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LIBERTY

A MAGAZINE OF RELIGIOUS FREEDOM



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INTERNATIONAL RELIGIOUS LIBERTY ASSOCIATION

We believe in religious liberty, and hold that this God-given right is exercised at its best when there is separation between church and state.

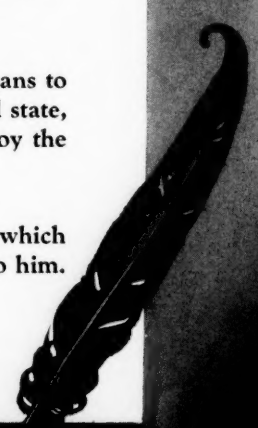
We believe in civil government as divinely ordained to protect men in the enjoyment of their natural rights, and to rule in civil things; and that in this realm it is entitled to the respectful and willing obedience of all.

We believe in the individual's natural and inalienable right of freedom of conscience: to worship or not to worship; to profess, to practice, and to promulgate his religious beliefs, or to change them according to his conscience or opinions, holding that these are the essence of religious liberty; but that in the exercise of this right he should respect the equivalent right of others.

We believe that all legislation and other governmental acts which unite church and state are subversive of human rights, potentially persecuting in character, and opposed to the best interests of church and state; and therefore, that it is not within the province of human government to enact such legislation or perform such acts.

We believe it is our duty to use every lawful and honorable means to prevent the enactment of legislation which tends to unite church and state, and to oppose every movement toward such union, that all may enjoy the inestimable blessings of religious liberty.

We believe that these liberties are embraced in the golden rule, which teaches that a man should do to others as he would have others do to him.



INTERNATIONAL RELIGIOUS LIBERTY ASSOCIATION
6840 Eastern Avenue, Takoma Park, Washington 12, D.C.

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LIBERTY

WASHINGTON
D. C.

A MAGAZINE OF RELIGIOUS FREEDOM

IN THIS ISSUE

Editor

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THE UNITED STATES—A CHRISTIAN
NATION?

4 Editorial

WHY I VETOED UTAH'S SUNDAY
CLOSING LAW

6 Governor George Dewey Clyde

FREEDOM WINS IN UTAH

8 B. H. Matthews

MAJORITY RULE AND
MINORITY RIGHTS

9

CALVINISM AND THE EMERGENCE
OF POLITICAL AND RELIGIOUS
LIBERTY

10 Daniel Walther, Ph.D.

RELIGIOUS LIBERTY IN
SOUTH AFRICA

14 P. J. Van Eck

THE RIGHTS OF THE MINORITY

15

LET FREEDOM RING!

16 Rev. Clarence E. Duffy

THE OLD MAN'S CHRISTMAS

18 Harriett P. Crank

PROBLEM SPHERES OF INFLUENCE
IN RELIGIOUS LIBERTY

20 Arcot Krishnaswami

FOCUS ON FREEDOM

22

IS THE HEADLINE REAL?

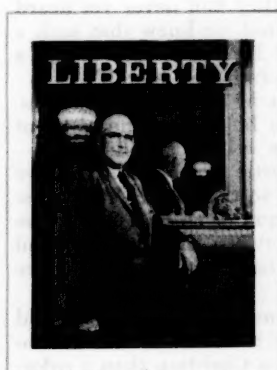
26 O. B. Gerhart

AS THE EDITORS SEE IT

30

WORLD REPORT

31



OUR COVER PICTURE: LIBERTY is happy to feature on its cover Governor George Dewey Clyde, of Utah, an American statesman who has the courage to stand for religious freedom under pressure. The Gold Room in which Utah's Governor Clyde is standing has been the outstanding tourist attraction of the Utah State capitol since its completion in 1916. Used as a reception room for official State occasions, the Gold Room is so named because of the quantity of gold used in its decorative scheme. Even the mirror over the mantel is plated with gold rather than silver. One of the greatest gold-producing mines in the world, the Bingham Mine, can be seen from the front steps of the capitol. Of more value than gold are the principles of civil and religious liberty that Governor Clyde has so recently protected.

COVER PHOTO BY B. H. MATTHEWS

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THE INTERNATIONAL RELIGIOUS LIBERTY ASSOCIATION, organized in 1888, is dedicated solely to the preservation of religious liberty, as indicated in the Declaration of Principles on the preceding page. The Association advocates no political or economic theories. Acting general secretary, W. Melvin Adams; associate secretary, Roland R. Hegstad.

the United States— a christian nation?

editorial



A READER OF *LIBERTY* writes: "Do you believe that the United States is a Christian nation? And do you believe in the right of everyone to promulgate his religious convictions? Would you defend the right of an agnostic like me to teach his religion?"

As to whether the United States is a Christian nation, three answers could be given. If the term means simply that the majority of Americans come from families with a Christian background, a Christian heritage, and that the Christian religion plays an important part in shaping American culture and tradition—Yes, America is a Christian nation—or better yet, Americans are a Christian people.

If the term means that the majority of Americans maintain a vital relationship with the Founder of Christianity, the nation might better be described as "having a form of godliness, but denying the power thereof."

If, however, the term "Christian nation" means that the political machinery of the nation is geared to the powerpuffs of the Christian religion, the answer is No. Despite years of trying, proponents of the Christian Amendment Movement have never succeeded in obtaining the approval of Congress and the States to their proposal to amend the Constitution so as to declare in effect that the United States is a Christian nation.

Soon after the establishing of the Constitution and the setting up of the national Government, the United States entered into a treaty with Tripoli in which it was declared: "As the government of the United States of America is not, in any sense, founded on the Christian religion, as it has in itself no character of enmity against the laws, religion, or tranquillity, of Mussulmans; . . . it is declared . . . that no pretext, arising from religious opinions, shall ever produce an interruption of the harmony existing between the two countries."¹ (However, eight years later, when a somewhat more extensive superseding treaty was made, the words, "is not, in any sense, founded on Christian religion" were omitted.)²

In 1844 Justice Story handed down a decision in the Vidal case which contended that the "Christian religion is a part of the common law." But, he said, "This proposition is to be received with its appropriate qualifications, and in connection with the bill of

rights of . . . [Pennsylvania]. . . . The Constitution of 1790 . . . expressly declares, 'That all men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences; no man can of right be compelled to attend, erect, or support any place of worship or to maintain any ministry against his consent; no human authority can, in any case whatever, control or interfere with the rights of conscience; and no preference shall ever be given by law to any religious establishments or modes of worship.'"³ Concluded Justice Story: "Language more comprehensive for the complete protection of every variety of religious opinion could scarcely be used; and it must have been intended to extend equally to all sects, whether they believed in Christianity or not, and whether they were Jews or infidels."⁴

Jefferson strongly disputed the idea that Christianity is part of the common law. In a letter to John Cartwright, dated June 5, 1824, he emphatically disagreed with "the judges" who have declared Christianity to be "part of the common law." "The proof of the contrary . . . is incontrovertible; to wit, that the common law existed while the Anglo-Saxons were yet pagans, at a time when they had never yet heard the name of Christ pronounced, or knew that such a character had ever existed." He concluded, "What a conspiracy this, between church and state!"⁵

In reply, then, to the reader's last two questions, the editors of *LIBERTY* do believe in the right of everyone to promulgate his religious convictions—even an agnostic, if an agnostic can be said to have a religion. As the court said in the case of *People ex rel. Ring v. Board of Education of District 24*: "The law knows no distinction between the Christian and the Pagan, the Protestant and the Catholic. All are citizens."

In matters of religious conviction, the state should no more distinguish—and is no more able to distinguish—between a pagan and a Christian than a color-blind person between a red and a green light.

¹ United States Statutes at Large, 8: 155.

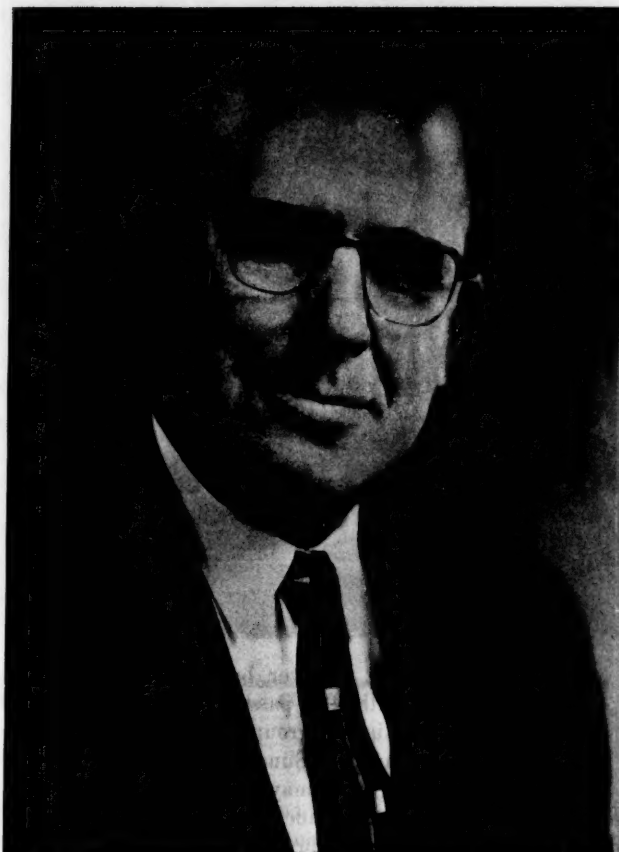
² LEO PFEFFER, *Church, State, and Freedom* (Boston: Beacon Press, 1953), p. 211.

³ 2 How. 127 (1844).

⁴ *American State Papers* (1949 ed.), pp. 652, 653.

⁵ 245 Ill. 334 (1910).

Roland R. Hegstad



GEORGE DEWEY CLYDE

Governor of the State of Utah

THE STATE OF UTAH came into being through a search for religious freedom. I believe that every citizen of this State should have complete freedom of conscience and of religious expression. Of course, individual or group religious expression should not in any way infringe on the rights of other individuals or groups."

A handwritten signature in dark ink, appearing to read "George Dewey Clyde". The signature is written in a cursive, flowing style. It is positioned above a dark, rectangular background that looks like a stamp or a piece of paper.

By GOVERNOR GEORGE DEWEY CLYDE

Why I

VETOED

Utah's Sunday Closing Law

Honorable Sherman P. Lloyd
President of the Senate and
Members of the Senate

Gentlemen:

I am returning herewith, without my signature or my approval, Senate Bill 24, popularly referred to as the "Sunday Closing Bill."

I am taking this action with reluctance, because of the large majority with which this bill passed both Houses of the Legislature. However, I have given this matter much thought and study, I have sought counsel from many sources, and I have been forced to the conclusion that this legislation is not in the best interests of the State of Utah.

I have endeavored to group my objections to this proposed law into categories connected by logic. The first of these which I shall discuss are the moral issues involved.

Many deeply religious people belonging to many different churches have expressed their support of Senate Bill 24, and I should like to make it clear that I am personally wholly in sympathy with their basic aim of reverence for and observance of the Sabbath.

LIBERTY presents the complete text of Governor George Dewey Clyde's message to the Utah State Senate, outlining his reasons for rejecting the State's controversial Sunday closing bill. In this message Governor Clyde tells why.

"The validity or invalidity of a law depends not on the majority by which it is passed but by its conformity to standards of justice eternal in the heaven."—Dr. A. Victor Murray, President, Chestnut College, Cambridge

This very thing, however, brings up a major objection to Senate Bill 24 as passed by the Legislature.

There are religious groups in this State who observe another day than Sunday as their Sabbath. The fact that these groups may be small in number only emphasizes the importance of respecting their rights. The true democratic process rests as much on the principle of respect for the fundamental rights of minorities as on that of majority rule.

Would Force Minority Groups

It has been pointed out to me that Senate Bill 24 would not require these minority religious groups to worship on any day or in any manner not of their choosing. I consider this a specious argument. In practical effect, Senate Bill 24 would force members of the minority religious groups to adopt one of two choices:

1. To work on their own Sabbath day—which is precisely what this bill is purporting to prevent; or
2. To refrain from work on both Saturday and Sunday, thereby attempting to compete on the basis of a five-day week as compared to the six days available to their competitors who recognize Sunday as the Sabbath day.

It has been urged on me that Senate Bill 24 would have a salutary moral effect by closing avenues of Sunday employment to young people who are kept by their employment from attending their church duties. I find this argument inconclusive. Because avenues of gainful employment are closed to these young people, it does not necessarily follow that they will devote their Sundays to religious activities.

I am afraid that many of them might, if deprived of their Sunday jobs, spend their time loitering in



HAL RUMEL

Flanked by the imposing Mormon Battalion Monument, the Utah State Capitol faces Salt Lake City from the head of State Street.

beer halls or other places which are exempted from the Sunday closing requirements of Senate Bill 24 on the theory that they fall in the area of "recreation."

This in itself offers a strong argument against approval of Senate Bill 24. I do not think we can honestly take the position that the spirit of the Sabbath will be preserved by closing certain retail establishments while approving the Sunday operation of beer taverns.

A Lack of Equity

My second group of objections to Senate Bill 24 may be listed under the heading of "Equity"—or rather lack of equity in the provisions of this proposed law.

Senate Bill 24 discriminates sharply between types of businesses, without logical justification.

It is understandable that operations directly affecting public health and welfare—including such things as hospitals, prescription counters, hotels and restaurants—should be exempted from the Sunday closing requirement. However, I find no such logic behind the intent of the bill's sponsors to exempt such things as mining and manufacturing operations.

I have discussed this matter at length with the owners and operators of many of Utah's mining and manufacturing operations, and I find they agree that if they are exempt from the Sunday closing requirement—and this is a very large and important "if" to

which I shall return later in this message—it can only be on the ground of economic necessity.

The actual Sunday output of any of our mines or factories cannot be held essential to public health or welfare.

Now if a mine or factory is allowed to operate on Sunday as a matter of economic necessity, I find it inequitable to require the owner of a small independent grocery store or a roadside fruit stand to close his place of business on Sunday when it may mean economic ruin to the small operator. The difference in the amount of money involved in the large and small operations does not alter the basic principle.

Attempt to Regulate Competition

I have been forced to the conclusion that the major support for Senate Bill 24 comes from a group of retail merchants who are seeking by this means to regulate competition within their own industry.

In fact, some competition, the competition provided by the small independent operator, for example, would very probably be eliminated if this bill became

Turn to page 27

"The true democratic process rests as much on the principle of respect for the fundamental rights of minorities as on that of majority rule."
—Governor George Dewey Clyde, Utah

Freedom Wins

IN UTAH

UTAH'S CONTROVERSIAL SUNDAY-CLOSING BILL, hailed by business and religious groups on one hand as "insurance against a seven-day business week" and denounced by defenders of religious liberty on the other hand as "a wedding of church and state," aroused public sentiment to a higher pitch than any other bill of the 1959 session.

News commentators gave the much-debated SB 24 number one rating on the interest poll, closely following it all the way from its early introduction into the Senate legislative hopper to its final grinding halt under the veto pen of Governor George Dewey Clyde, on February 18.

After the initial public hearing on the proposal, Salt Lake *Tribune* staff writer Richard P. Hronek wrote:

Had the senators been presenting a sneak preview of Brigitte Bardot's latest movie, they probably wouldn't have drawn a bigger (or more interested) crowd. Several hundred persons jammed into the board room to hear the public pronouncement.¹

Senate Bill 24 was backed by grocers, automobile dealers, and other business groups, and by chambers of commerce. Its sponsors were disturbed by the rapidly growing tendency toward a seven-day business week.

According to Attorney George L. Nelson, who drafted the bill, the measure was framed to "avoid the unconstitutional elements" of previous Sunday-closing bills. Though professedly not a "religious" bill, the proposal nonetheless drew the strong support of the newspaper voice of the (Mormon) Church of Jesus Christ of Latter-day Saints. Utah is 65 per cent Mormon.

On the other hand, many leaders of both state and church were adamantly opposed to it. The proposal was alternately "cheered" and "jeered" during the public hearing conducted by the senate Committee on Business and Finance at the State capitol. Supporters of the measure far outnumbered those opposed. Discussion was cut short at the hearing and it

was hurriedly dropped into the legislative mill, and soon came up for consideration on the senate floor.

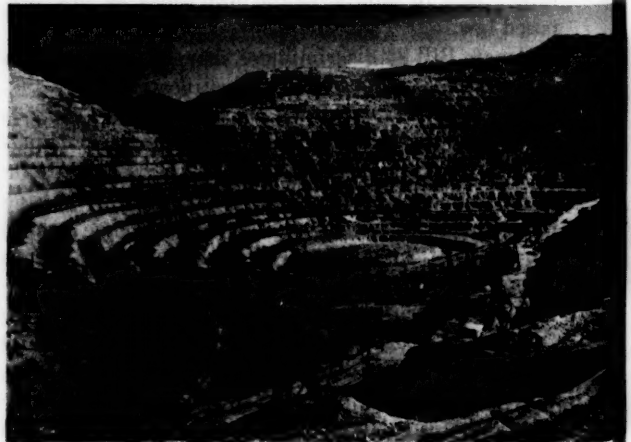
Inconsistencies

During the debate on its second reading, pointed objections made to the bill by senators who opposed it drew spontaneous applause from the well-filled gallery of eager listeners—applause silenced only by the chairman's gavel. In the discussion Senator Clyde L. Miller (Democrat of Salt Lake City) commented on the portion of the bill that caused most of the furor in debate in both house and senate. "Imagine," he said, "walking into a home on Sunday morning to find the baby crying for a can of baby food and the father saying, 'Shut your mouth and drink your beer.' The bill is just that silly." It would have required grocery stores to close on Sunday while permitting beer taverns to remain open.

At the next session several sympathetic senators humorously presented Senator Miller with some baby food, toys, and diapers to "tide him over on Sundays

Mines could have operated under the Utah Sunday law, but grocery stores and roadside stands would have been shut down.

COURTESY OF SALT LAKE CITY CHAMBER OF COMMERCE



when the stores were closed." Miller had become the father of a baby girl over the weekend.

Serious as was the grocery store versus beer tavern inconsistency, the religious discriminations involved posed a threat to religious liberty that was even more ominous.

The majority of the senators had, it was discovered, previously committed themselves in favor of the bill even before it was introduced. Thus opposition seemed to gain little headway. The final vote in the senate was 16-9 in favor of the bill.

Discrimination

Senator Frank M. Browning (Democrat of Weber County), cosponsor of the measure, had taken time on the senate floor to mention his deep admiration of the mission work of Seventh-day Adventists, which he had seen in Africa and elsewhere. He expressed his hope that this bill would not seriously affect them, and suggested that the time might be near when a five-day week would be a universal business practice, allowing both Saturday and Sunday rest days for all concerned.

As the bill read, however, it would have required any businessman who happened to observe a day other than Sunday to be limited to the economic disadvantage of a five-day week, compared with his Sunday-keeping competitor's six-day week.

Charles A. Steen, Republican senator from Moab, asked the sponsors why they did not amend the bill to exempt Seventh-day Adventists. Senator Alonzo F. Hopkin (Democrat from Woodruff) replied that while some groups might be harmed by the law, it would be impossible to exempt one group without bringing on demands for other exemptions.

In spite of this obvious recognition of the proposal's religious discriminations, and oblivious to the many representatives' attacks on the bill as being "unconstitutional, discriminatory, unfair, religious, and very poorly drafted," supporters of the bill pulled in a 42 to 22 victory in the house. A move there to reconsider it failed to muster the number of votes required. The cause of religious liberty was apparently completely lost.

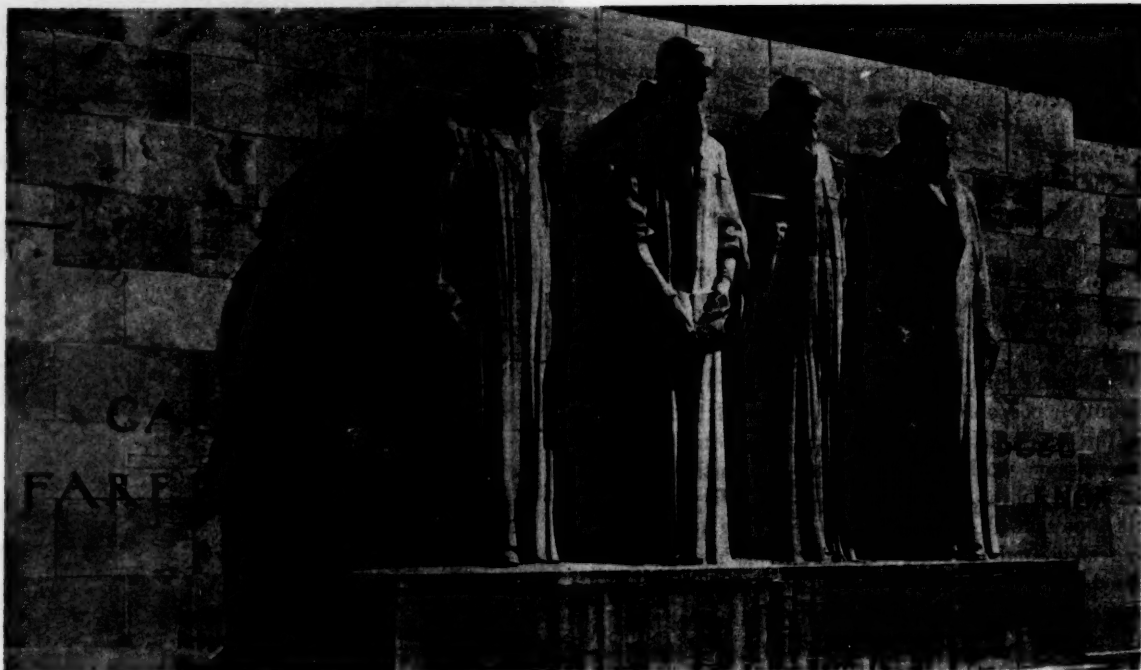
As a palliative, Senator Steen did offer to pay the court costs of anyone who wanted to test the law, provided it was signed by the governor. It appeared indeed that the governor would be very likely to sign it.

With a considerable majority approving the bill in each house, and the commercial and church pressures in favor of the measure, it seemed improbable that Governor Clyde would duplicate former Governor J. Bracken Lee's action in vetoing a Sunday-closing bill some six years earlier.

Governor Clyde's veto message, in view of all these compelling circumstances, was a dramatic reversal. In

Turn to page 25





The Reformers of the sixteenth century had no conception of tolerance as it developed two centuries later.

THE VOLUMINOUS OUTPUT of Reformation literature in recent years indicates a never-ending interest in the ideas of the sixteenth century Reformation era. John Calvin, as well as Luther, has been re-evaluated in enlightening studies. He was Protestantism's most brilliant and convincing exponent and he dealt with basic issues that are still acutely alive—how to coordinate the relation between church and state; how to reinvigorate the principle of authority in an age passing through an acute crisis in authority.

Calvinism is by no means a spent force. What an eighteenth-century Geneva citizen, J. J. Rousseau, wrote is still true today: "Those who consider Calvin only a theologian fail to recognize his genius. The edition of our wise laws in which he had a large share does him as much honor as his *Institutes*."¹

Not only political students but, of course, leading theologians such as Karl Barth indicate to what extent Calvinism continues to affect Christian thinking. Some historians see in Calvinism not only a forerunner but the originator of modern democracy. They usually point to two facts: (a) the influence of the republic in Geneva on Calvin and (b) the opposition Calvinism developed against tyrannical governments. Professor Pauck expressed it: "To Calvinism democracy is especially indebted primarily because the Calvinist form of Protestantism, begun in the republican environment of Geneva, was developed by way of reaction against political and

Calvinism and the Emergence of

religious tyranny in France, Holland, Scotland and also England.'"²

Indeed, it has often been mentioned that while Luther was his princes' beneficiary and could without political interference carry on his reformatory work, Calvin was not allowed a similar princely protection; he had to work in exile. Luther, who was less of a political philosopher than Calvin, thought that only through the endorsement of the princes could a new evangelical faith be established on a permanent basis. And if there were any resistance at all, it should be the right of a prince, not the church, to resist the emperor. Although Calvin was not able to make Protestantism acceptable to the changeable King of France, Francis I, he nevertheless saw at firsthand what Luther never saw—a re-

publican type of government, which deeply affected Calvin's thinking.

Some historians doubt that the Reformation, Calvinism in particular, did in any way affect the development of modern democracy. Geneva's historian Charles Borgeaud calls seriously into question the idea of Calvin's influence on the establishment of democracy. This skepticism, shared by others, seems to be based on the opinion that Calvin not only condemned but crushed all tendencies toward liberalism.⁴ Some would rather see in Calvin's government theory a trend toward theocracy. If theocracy means that all government in church and state is but an expression of the divine Lawgiver, then Calvin's ideal for Geneva was a theocracy; or rather, as E. Choisy put it, a *bibliocracy* (government based on the Bible).⁵

In Calvin's writings one can find an unmistakable distaste and an apparent disregard for popular representation. Calvin seemed to favor an oligarchy based on a union between clergy and aristocracy. The very system of discipline in the *Ordinances* giving specific direction to church and society is anything

Authority of the Church and Religious Freedom

The seed of religious freedom was contained in the writings of the Reformers. Calvinism moved imperceptibly toward a freer concept of representative government. Luther's reformation tract *Christian Liberty* expressed some fundamental ideas within the fences of his own church: "I set down first these two propositions concerning the liberty and the bondage of the spirit: A Christian man is a perfectly free lord of all, subject to none. A Christian man is a perfectly dutiful servant of all, subject to all."⁶

Thus religious freedom was an inherent principle of the Reformation but not of the Reformers. The idea was there, but the time had not yet come. It had to remain in storage until English philosophers and the French deists of the eighteenth century, standing above credal commitments and free from confessional considerations, could work out an "enlightened" philosophy of life that would give to all groups, including the minorities, equal religious rights.

Political and Religious Liberty

By **DANIEL WALTHER, Ph.D.**, Professor of Church History, Potomac University

but what we think of as personal freedom. The men of the sixteenth century had no conception of tolerance as it developed two centuries later.

If by a democratic type of government we mean the election of the rulers by the governed, that government would have been considered an anarchy by Calvin and his contemporaries. The Calvinistic Pilgrims of Massachusetts Bay Colony were far from believers in democracy. The General Court, headed by Governor Winthrop, could find no basis in Scripture for free democracy: "'Among nations it has always been accounted the meanest and worst of all forms of government.'"⁷

Religious liberty was viewed with contempt. In the words of Calvin's close friend and successor, Beza, "Religious liberty is a diabolical doctrine, for it means that each should be allowed to go to hell in his own way with no one to stop him."⁸

To some it is impossible to imagine an intransigent Reformer like Calvin harboring an idea of religious freedom in any form. In his own city, in the short span of four years, fifty-eight persons were condemned to death and seventy-six were exiled; and this does not include the tragedy of Servetus in 1553.

Calvin's theory of persecution was that heresy is an offense against society—the arm of the law must be laid upon the offender for society's protection, and not to protect the church as well would be the worst type of perfidy and cruelty. His idea of persecution was the product of a theology that combined God's sovereignty, man's depravity, Biblical literalism, and Hebraic ethica. With Catholics, Calvinism held that if a heretic is to be prosecuted, it is because he has deviated from the prescribed course, that the litigious point of difference was important, and that coercion would be effective and salutary.

Courageous contemporaries of Calvin tried to stem the tide of medieval intolerance, but they had to pay dearly for their independence of thought. Castellio, one of the Genevan ministers, was exiled because of his personal views on Scripture in which he differed from Calvin. Castellio's work *On the Right to Heresy* indicates to what extent differences in opinion could be troublesome, and it also reveals that the struggle for free religious thought hinged on the distinction between the essentials and non-essentials. Castellio, who was rather rational in his thinking and more Erasmian than Calvin, expressed his conviction on religious freedom, asserting that the magistrate's sword was incapable of creating understanding in the church, because the sword is carnal and religion is spiritual."

In his dealings with Calvin, Castellio knew that he had no chance of success. He compared himself to a fly attacking an elephant! Castellio expressed most forcefully the yearning of those who wished to be free men in a time of intolerance: "To seek truth and to utter what one believed to be true can never be a crime. No one must be forced to accept a conviction. Conviction is free." Words that were well in advance of their time. Castellio had to go.

Calvin's Paradox

On one hand we find in Calvin's writings the insistent injunction to obey the magistrate as God's representative; on the other, the right to resist government. The Christian is not to resist the secular power, for in doing so he resists God. "We are ordered," writes Calvin, "to obey the magistrates, and not only the good ones. If we only obey those who govern well, there is no merit in our obedience."

But Calvin's writings reveal that there were times when a *passive* resistance was in order; in fact, it was a religious duty. Neither Luther nor Calvin advocated blind submission to the magistrate's or the princes' authority. In his tract *Whether Soldiers, Too, Can Be Saved* Luther suggested five reasons when rebellion was in order."

In his early experience, when describing the church-state relationship, Calvin wrote of the duty of nonresistance, even if Christians were cruelly vexed by an inhuman prince or robbed and plundered or despised and left without protection. "Let us . . . consider," writes Calvin, "that it is not our province to remedy these evils, and that nothing remains for us, but to implore the aid of the Lord, in whose hand are the hearts of kings." "

Later on, Calvin went a step further in advocating the duty of *active* resistance against impious God-defying rulers. Naturally, he approached this delicate problem in a juristic way while some of his disciples, such as John Knox, used a more direct method. It is especially in his sermons and commen-

taries that we find Calvin's statements on the circumstances when resistance was called for. In his commentary on Daniel 6:22 he stated that a king must be honored. ("Fear God. Honour the king," 1 Peter 2:17.) But only a God-fearing king deserved to be honored: "Earthly princes lay aside all their power when they rise up against God, and are unworthy to be reckoned in the number of mankind. *We ought rather to spit on their heads than to obey them when they are so restive and wish to rob God of His rights.*" "

This then is the dilemma: to obey the magistrate because the Bible orders us to, and on the other hand to resist him under certain circumstances. What then must the Christian do? First, the Christian must be patient, for God appoints in His own time men such as Moses, or Jeremiah, to carry out His will. This is the distinction Calvin makes to solve this paradox. We must obey authority even if we as human beings are molested bodily. But when the rulers rise up against God—that is when we must discard princes as if they were "old shoes." The resistance is in order when *God* is dishonored, not man.

The ideal is, in Calvin's mind, to have a God-fearing government that carries out the purpose of God. But what if God and the magistrate should conflict? Obviously, the magistrate has to give way. When there was an issue between Calvin's will (God's will) and that of a misguided magistrate (the devil's), there was no doubt about the course to be taken.

The relation between subjects and magistrates is summarized by Calvin in the following way: "In the obedience which we have shown to be due to the authority of governors, it is always necessary to make one exception. . . . If they command any thing against him [God], it ought not to have the least attention. . . . On this principle Daniel denied that he had committed any crime against the king in disobeying his impious decree." "

★ ★ ★ ★ ★ ★ ★ ★ ★ ★

If we have freedom of inquiry and communication, fair procedures and equality before the law, we have the best chance to achieve or defend or retrieve other values. On the other hand, even if we possess everything else our hearts desire, but are losing those primary and central liberties, then we stand in peril of losing all else too—sooner or later. Therefore, all of us would better keep clearing those main channels.

—35th Annual Report of the American Civil Liberties Union, July 1, 1954, to June 30, 1955, *Clearing the Main Channels*, p. 4

★ ★ ★ ★ ★ ★ ★ ★ ★ ★

In Calvin's own city, in the space of four years, fifty-eight persons were condemned to death, and seventy-six were exiled.



Resistance to Tyranny Takes Active Form

To the middle of the sixteenth century Calvinists, as well as Lutherans, advocated the principle of non-resistance; they believed in maintaining the *status quo*. Absolute submission to the will of the secular arm was in order; but rapidly developing events altered that concept, and the seed sown in some of the Reformers' writings began to grow.

One of the first to come out boldly for resistance to ungodly rulers was John Knox, who was instrumental in implanting Calvinism in Scotland in 1559. Significant was his dramatic encounter with Mary Stuart. The Queen defended the Church of Rome according to her conscience. Knox told her that neither her will nor her conscience was relevant; there was no choice but to do away with the "Roman harlot" that had forsaken the purity of the apostolic faith. Knox, who was not known for his tact, told the Queen that she did not have "the right knowledge," that if princes acted like lunatics they should be imprisoned. The Queen then asked an apparently disarming question: "Ye interpret the Scripture in one manner and they in another. Whom shall I believe? And who shall be the judge?"

Knox's answer was dogmatically Calvinistic: "Ye shall believe God, that plainly speaketh in his Word. . . . There can remain no doubt but unto such as remain obstinately ignorant." "16

In his *Appellation* Knox asserted that rebellion against idolatrous sovereigns is a Christian duty. During the few years in which Knox reorganized church and state on a lasting basis, he was ever mindful of Calvin's doctrine of resistance.

The Huguenot Attempt at Resistance

Calvin did not have the impact on his own native France that he had in Holland, England, Scotland, and the New World. The Huguenots belonged to France's best citizenry and had appealed to leading aristocracy. The Huguenots became the main contenders for the crown of France—their opponents being the Catholic Guises. The Huguenots were loyal subjects, even at the outbreak of the bloody wars of religion. But one event abruptly changed their concept of loyal obedience: the Massacre of Saint Bartholomew in 1572.

The *Gallic Confession* reasserted the loyalty of the Huguenots to the established authority, but shortly after the Massacre of Saint Bartholomew, rebellion against the tyrants was not only permitted but de-

manded. One of the most significant Calvinistic tracts appeared shortly afterward, *Du Droit des Magistrats*, 1573. This writing is generally attributed to the influential Beza, Calvin's friend. What is significant is that Beza endorsed the doctrine of some form of popular sovereignty. But while Beza made this suggestion for popular presentation, he did not indicate how this was to be brought about nor how an impious king ought to be removed.

Another important Huguenot tract that developed the Calvinistic thought toward constitutionalism was *Vindiciae Contra Tyrannos*, 1579. This is one of the most important treatises in the development of political thought. The author, who calls himself Junius Brutus, is often considered to have been Duplessis Mornay, the adviser of the Huguenot king, Henry of Navarre. Calvinistic political thought emerged here in the direction of constitutionalism. The author discussed primarily the question "If it be lawful to resist a prince violating the law of God?" The author refers to Biblical examples, in particular the experience of Israel: "It is then lawful for Israel to resist the king, who would overthrow the law of God and abolish His church: and not only so, but also they are to know that in neglecting to perform this duty, they make themselves culpable of the same crime, and shall bear the like punishment with their king." And again: "The law is the soul of a good king, it gives him motion, sense and life. The king is the organ and as it were the body by which the law displays her forces, exercises her function, and expresses her conceptions. Now it is a thing much more reasonable to obey the soul, than the body." "

Christopher Goodman was one of the English

Turn to page 28

RELIGIOUS LIBERTY IN SOUTH AFRICA



By **P. J. VAN ECK,**
BLOEMFONTEIN, SOUTH AFRICA

IN SOUTH AFRICA churches have been allowed to practice their religion freely. They are all free to erect church edifices, seminaries, schools, and hospitals on an equal footing.

In the reserves set aside for the Africans, however, there are some restrictions. All mission societies with small memberships must have an adult membership of 100 or more in order to secure a site within ten miles of another mission. The privilege of broadcasting sermons over the state-owned network on Sundays is granted to a limited number of "recognized" churches only, and no paid religious broadcasting is permitted at all.

Specific safeguards recognizing freedom of conscience are embodied in different laws. In the Defence Act, for instance, provision is made for non-combatant duty for citizens who belong to a church whose tenets are opposed to warfare. Young men called up for military training may choose non-combatant units. Their individual requests for Sabbath privileges while in training are usually granted.

University professors and students are by law protected from discrimination or disability on account of their religious views or absence thereof.

Religious legislation is evident in the application of the Sunday laws prohibiting trading, mining, and agriculture. Obsolete provisions forbid games, dog-fighting, cockfighting, and the gathering of firewood. In recent times intolerant informers have secured convictions under these laws. Usually these informers are zealous churchgoers who invoke the out-of-date laws to coerce nonchurchgoers into "resting."

Controversial Church Clause

There is no doubt that in the field of religious liberty the "Native Laws Amendment Act, 1957" is

easily the most contentious measure of this century in South Africa.

By this act the National Party Government sought to amend and consolidate previous legislation affecting native Africans. Clause 29 gives the Minister of Native Affairs the power, under certain conditions, to prohibit the attendance by natives at religious gatherings in purely white (European) areas.

The purpose of this legislation is not primarily religious but political. It was passed in pursuance of the party's policy of Apartheid—a program to separate completely the races in every relationship outside of employment. The Government itself was surprised to discover that it had in Clause 29 committed itself to a religious issue.

Here it may be pointed out that the pattern of life in South Africa, with its multiracial, multilingual society composed of vastly diverse cultures, is extremely complex.

For generations most communities have arranged as a matter of convenience separate church facilities for different racial and language groups. Thus European church groups speaking English or Afrikaans, and Africans using the Zulu, Xosa, or Sesuto languages, have of their own choice consistently maintained their separate identity.

The passage of the bill was strenuously opposed by the English-speaking Protestant and Catholic churches, who saw in Clause 29 a potential threat to religious freedom if and when their European and African church members should worship together.

The three Afrikaans-speaking Dutch Reformed churches did not raise their voices until at a late stage—and then only by way of a declaration of principles, which was later amended to avoid embarrassing the Government.

As the cleavage between the two major political parties is largely based on language and racial differences the reaction of the church groups to the act cannot be dissociated from political motives.

The Seventh-day Adventist Church studiously avoids participation in the political and ideological issues that divide South Africans, but voiced this pertinent protest in letters to the press:

"No church or Christian can permit or accept a position where the secular authority determines matters affecting divine worship without betraying a sacred trust. Hence, no matter how unpolitical or antipolitical a church may be, it has a solemn duty to protest any infringement, explicit or implicit, of the independence and liberty of worship which is our blood-bought heritage.

"Whatever the policies or practice of a church on

racial matters may be, none but the church may decide who should be admitted to its services of worship."

A direct approach couched in respectful terms to the responsible cabinet minister Dr. H. F. Verwoerd failed to make any impression. It did bring an equally courteous response, giving the assurances that no interference with the liberty of churches was intended. Only where the attendance of natives (Africans) at religious gatherings constituted a nuisance in urban areas where they were not normally resident, so the minister explained, could he step in, with the concurrence of the urban local authority, to prohibit such gatherings.

Up to the present no further steps have been taken to implement the provisions of Clause 29. The amendments to the clause tend to nullify its effectiveness.



"Liberty has not infrequently been defined as consisting in the rule of the majority, or, it has been said, Where the people rule there is liberty. The rule of the majority, of itself, indicates the power of a certain body; but power is not liberty. Suppose the majority bid you drink hemlock, is there liberty for you? Or suppose the majority give away liberty and establish despotism. . . . We might say with greater truth that where the minority is protected, although the majority rule, there, probably, liberty exists. But in this latter case it is the protection, or, in other words, rights beyond the reach of the majority, which constitute liberty, not the power of the majority. There can be no doubt that the majority ruled in the French massacres of the Protestants; was there liberty in France on that account? All despotism, without a standing army, must be supported or acquiesced in by the majority. It could not stand otherwise."

—Dr. Francis Lieber, *Civil Liberty and Self-Government*, p. 31.

The Rights of the MINORITY

"Discrimination against the holder of one faith means retaliatory discrimination against men of other faiths. The inevitable result of entering upon such a practice would be an abandonment of our real freedom of conscience and a reversion to the dreadful conditions of religious dimensions which in so many lands have proved fatal to true liberty, to true religion, and to all advance in civilization.

"To discriminate against a thoroughly upright citizen because he belongs to some particular church, or because, like Abraham Lincoln, he has not avowed his allegiance to any church, is an outrage against the liberty of conscience, which is one of the foundations of American life."

—Theodore Roosevelt
in letter on Religious Liberty.

"Let us suppose, therefore, that the government is entirely at one with the people, and never thinks of exerting any power of coercion unless in agreement with what it conceives to be their voice. But I deny the right of the people to exercise such coercion, either by themselves or by their government. The power itself is illegitimate. The best government has no more title to it than the worst. It is as noxious, or more noxious, when exerted in accordance with public opinion, than when in opposition to it. If all mankind minus one were of one opinion, and only one person were of the contrary opinion, mankind would be no more justified in silencing that one person than he, if he had the power, would be justified in silencing mankind."

—John Stuart Mill, *On Liberty*, pp. 23, 24.

By THE REVEREND CLARENCE E. DUFFY*



Let Freedom

ALTHOUGH, according to Judge Daly,¹ Catholic Americans "deeply appreciate and cherish the American principle of the separation of church and state," the sad fact remains—and we must face it—that the official attitude of representative spokesmen of the Catholic Church in Rome and elsewhere is not in conformity with the one credited by the judge to Catholic Americans. It is no wonder, therefore, that Americans who are not Catholics "doubt the commitment of American Catholics to our First Constitutional Amendment forbidding laws respecting an establishment of religion or prohibiting its free exercise" and question their loyalty to the very important principle of complete separation of church and state.



"Syllabus of Errors"

In his *Syllabus of Errors* Pope Pius IX (1864) condemned the doctrine that "the Church must be separated from the state and the state from the Church." The Roman Catholic Church has never officially repudiated that condemnation, which, therefore, still stands. In the same *Syllabus of Errors* is also contained the doctrine (by condemnation of the contrary view) that Roman Catholicism should be the only religion of the state. That doctrine has never been officially repudiated either.

In *A Manual of Christian Doctrine*, carrying Arch-

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bishop [later Cardinal] Dennis J. Dougherty's *Impri-matur*,² there are the following questions and answers:

117. What more should the State do than respect the rights and the liberty of the Church?
The State should also aid, protect, and defend the Church.
122. May the State separate itself from the Church?
No, because it may not withdraw from the supreme rule of Christ.
123. What name is given to the doctrine that the State has neither the right nor the duty to be united to the Church to protect it?
This doctrine is called *Liberalism*. It is founded principally on the fact that modern society rests on liberty of conscience and of worship, on liberty of speech and of the press.
124. Why is Liberalism to be condemned?
 1. Because it denies all subordination of the State to the Church;
 2. Because it confounds liberty with right;
 3. Because it despises the social dominion of Christ, and rejects the benefits derived therefrom.

In modern times the Concordat between Pope Pius XI and Mussolini made the Roman Catholic religion the sole religion of the Italian State at the insistence of the pope.

Fusion of Church and State

In Spain the church and state are united. The clergy are paid by the state, as they were, and still are, in other countries in Europe. Even in some of the Communist-dominated Roman Catholic countries in Europe the Communist state still supports the church in various ways, not because it wants to do so, but because it has to do so, and the Roman Catholic hierarchy in these countries accepts this support, nay, insists on it.

For many reasons, including the one that a Catholic may be nominated for President in the 1960 Democratic Convention, it is important that this matter of separation of church and state be aired, discussed, and settled once and for all as early as possible.

In the first place, the spokesmen of the Roman Catholic Church who advocate the acceptance of state help or support for the maintenance of the

Ring!

church and its clergy, and for the promotion of the gospel of Jesus Christ, think and act in terms that are completely opposed to the teachings and practice of Christ and to the spirit of His gospel. Acceptance of such support is necessarily accompanied by church support for the state in various ways that spell betrayal of the gospel and its teachings.

Church and state must be completely separate. They may cooperate in matters that do not or cannot involve any kind of compromise or compulsion in Christian teachings, but the church must at no time seek the aid of the secular power or receive its support for the promotion of the gospel or for the maintenance of its clergy, its dogmas, its buildings, and its institutions.

This is in keeping with the spirit and letter of the Constitution of these United States. More importantly, it is in keeping with the spirit and letter of the Old and New Testaments in which Roman Catholic spokesmen profess to believe.

God and Caesar

The time is coming when the church must take its stand against the omnipotent, omniscient, demanding, deified state in many areas in which human freedom and dignity, justice and charity, God and Caesar, are involved. We must be prepared "*to give Caesar the things that are Caesar's*," but we must also be prepared to know the limits of his demands and "*to give to God the things that are God's*."

In this country the church, and particularly the Roman Catholic Church, through its hierarchy has "played ball" too long with Caesar in many serious matters. Christ and His teachings have been overlooked or forgotten, especially in the matter of war and the waging of it. National pride, prejudices, and self-interests have blinded our spiritual leaders to the meaning of Christian charity and other Christian concepts.

Restricting Individual Liberty

Official spokesmen of the Roman Catholic Church try to restrict, and advocate the restriction of, the liberty given to each human being by his Creator to

worship God, or to refuse to do so, as he or she may choose.

The exercise of this liberty is guaranteed by the Constitution of these United States. It was recognized and taught by Christ and His chief apostles, all of whom stressed in various ways the freedom of the gospel and the freedom of men to accept or reject it as they choose.

God does not compel anyone to do anything. He gives man complete freedom to determine whether his spiritual destination will be hell or heaven. He does not want the service or allegiance of slaves. He wants the love and loyalty of free men practicing freely their God-given freedom.

No man, pope, bishop, preacher, or priest should presume to improve on God's ways or to restrict a freedom of choice given to men by God Himself. Catholicism's great growth in America is itself a tribute to the value of the separation of church and state.

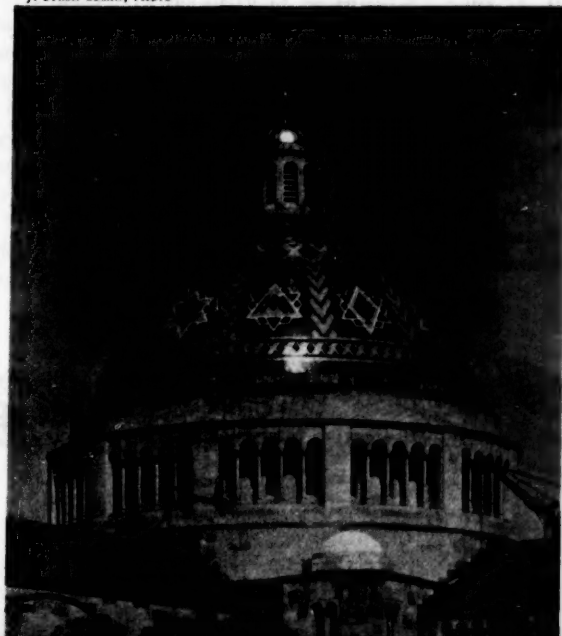
Catholicism Should Stand for Separation

The Catholic Church and its members, not only in the United States of America but in every part of the world, should be in the forefront of the battle for complete separation of church and state *everywhere*, for complete religious freedom in all lands—freedom to worship God or not to worship Him as the individual chooses. When the Catholic Church takes this stand officially, thus living up to the letter and spirit of the gospel of Jesus Christ, proclaimed by Him and by His apostles Saint Paul, Saint John, and other New Testament writers, we can hope for a much-needed change in this country and this world of ours, now bedeviled by all kinds of fears, hates, and prejudices.

¹ LIBERTY, Second Quarter, 1959.

² *Manual of Christian Doctrine*, 48th edition, published under the Imprimatur of Dennis J. Dougherty, former Archbishop and later Cardinal of Philadelphia. This *Manual* is the textbook of the Roman Catholic Institute of the Brothers of the Christian Schools. An earlier edition of this same *Manual* received a letter of strong approval from Pope Leo XIII.

J. BYRON LOGAN, PHOTO





The Old Man's Dream

By **HARRIETT P. CRANK**

THE PEACE OF CHRISTMAS hovered over the house. It filled the tired heart of the old man warming his shins by the fire.

Fatigue ran its zig-zag course through his flesh, but he paid no mind. He was content. This year his Christmas would be complete. He had his gift. It was priceless.

It had cost him eight years of personal trial. Eight years of ridicule, calumny, bitterness. But the years were over now. He was tired. Terribly tired. Old. Lonely. Yet peace and triumph were his at last, and just before Christmas too.

In the comforting prickle of the fire's warmth, he thought of other Christmases he had known. Seventy-seven of them. But surely, this seventy-eighth was the most satisfying of all.

There had been the peaceful, snowy Christmases of his native Massachusetts, and the not so abundant wartime Christmases of the Revolution. Christmas in Paris, Christmas in Holland, and in England. Christmas in Russia with cathedral bells calling over the snow. And eight Christmases as the son of the President of the United States, and four when he himself was President. But this Christmas was the best. Of that he was sure.

He thought of his mother. His father, during one of his absences, had written her with instructions for the education of his children. "Inculcate in my sons a love of freedom." Surely his mother had succeeded

even beyond her wildest expectations. Without a fanatic's love of freedom he could never have endured the perfidy of the last eight years. They were even yet as a nightmare, a weary, endless fighting against overwhelming odds.

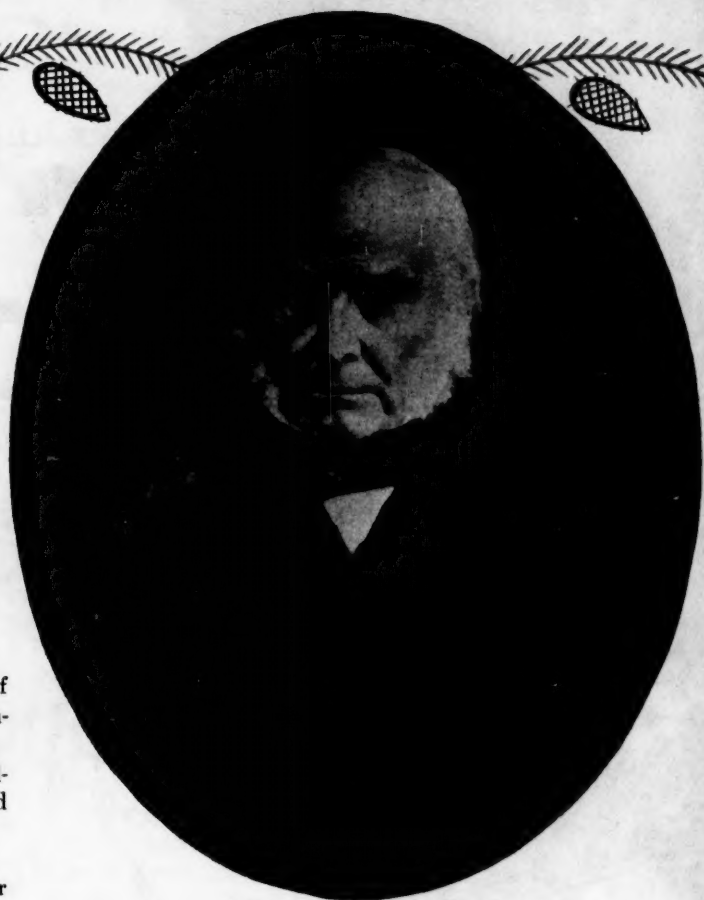
It had started innocently enough one day in 1836. "Those in favor say Aye. Those opposed Nay." It had been as easy as that, and Congress had abridged the inalienable right of every American citizen to petition his Government, for Congressmen wanted to hear no more of the oddly disturbing petitions about the rights of man and the injustice of slavery. In the House, of 101 votes only nine had been against the "gag rules" limiting the right to petition. His was one of them.

After that, whenever he arose to speak, there were cat calls, frantic cries for order. He was interrupted, insulted. There were motions to expell him, motions to censure him. He was condemned, slandered. But still he fought on. Year after year.

He was sixty-nine when it started. People said he was too old to fight. But he had fought, and alone. He had to fight, for was not freedom part and parcel of religion?

Once people had said he was too young to fight, but that was long ago. At seven he had known the feel of a gun, and had practiced with the Minute Men. Then one awful day he and his mother climbed a hill and stood listening to the roar of the twenty-four

Christmas



JOHN QUINCY ADAMS

pounders at Bunker Hill. Even as the guns spoke of death and defeat, they could see Charlestown burning too.

Out of that day of carnage and ruin in his childhood came a new nation. New ideas, ideas he could not let die.

It was not in him to give up.

He was condemned, ridiculed, yet year after year he fought on, carefully presenting petition after petition, knowing full well each one would bring added jibes and taunts.

Time and again he spoke against the "gag rules." Time and again he was hissed at, forced to his seat. But so zealous was he of the right to petition, he even dutifully presented a petition that was handed him, asking for his own removal from Congress. *John Quincy Adams, the petition recited, was a nuisance.*

With cavil and clamor the years passed. His vision began to fail. His voice grew feeble. He could not sleep at night. He was seventy-five.

No insult was too great for his enemies. He who had once been Mr. President was scourged with evil tales. Even his friends began to whisper he was insane, "Gone batty over the 'gag rules', you know!"

There was an effort to try him for treason, another for perjury. And still, fighting fatigue, old age, loneliness, he battled on, against all comers. At the opening of each session of Congress he moved to have the

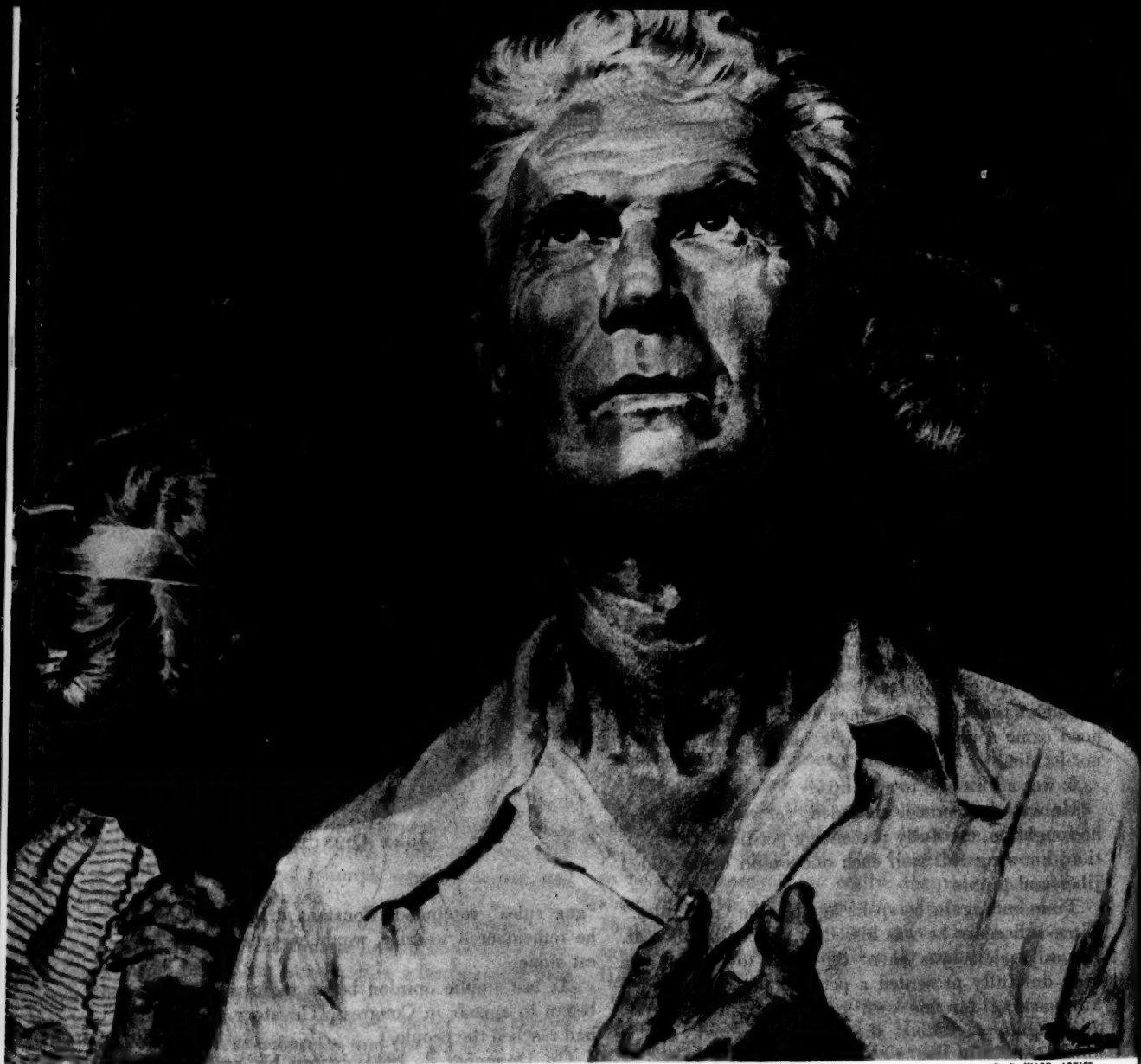
"gag rules" rescinded. Constant dripping of water, he remembered wearily, would wear away the hardest stone.

At last public opinion began to form. New faces began to appear in Congress. The story of his battle had reached the people.

On December 3, 1844, before his seventy-eighth Christmas, by a majority of twenty-eight votes, the Congress he had pleaded with so long, wiped from the records the law abridging the right of every American citizen to petition.

Once more the treasured bundle of constitutional rights was complete. It was his gift, bought with humility and untiring persistence, a Christmas gift for every American.

"Blessed," wrote John Quincy Adams, "forever blessed be the name of the Lord." It was his Christmas prayer.



COURTESY OF THE AMERICAN CANCER SOCIETY

E. F. WARD, ARTIST

In the hearts of men everywhere is the desire to be free—free to worship as conscience directs, free to express beliefs or to remain silent. No man has the right to tell another how he must think or worship, for this prerogative was not given unto man.

Problem Spheres of

By **ARCOT KRISHNASWAMI**

IT IS IMPOSSIBLE TO LIMIT to the confines of one article the problem spheres of influence where liberty, toleration, and repression vie with one another; or to furnish any adequate picture of the situation as it exists in each country of the earth. This article will merely deal with some of those areas of thought and practice in which one's religion is affected, and in which problems frequently arise in various countries. Certain instances and limitations will be cited which may or may not constitute discrimination, depending upon the existing circumstances in the lands involved.

There is considerable divergence of requirements in the various countries with reference to the exemption from military service on the ground of conscientious objection. The state usually follows the views prevailing in the society as a whole. In cases where the smaller states are engaged in the battle for survival there is less inclination to recognize the rights of conscientious objectors.

Similar problems occur in connection with compulsory participation in religious and civic ceremonies. There are times when the imposition of the oath of allegiance involves some complications with respect to the religious beliefs that do not permit some individuals to take such an oath.

The observance of a day of rest and of certain religious holidays in a multireligious society creates difficult problems. When public authority acquiesces to the practices of a dominant religion by designation of days of holidays and rest, complications arise. In some instances special provision is made "for those who observe a weekly day of rest different from the one observed by the majority." Sometimes the law does not have any option and the one observing a dif-

ferent day must observe it in addition to the day required. Only when exemption clauses are made to prevent discriminatory action against the views of the minority is the situation considered to grant at least a minimum of freedom in this matter.

In the field of marriage and its dissolution there are certain areas of the world where marriage according to religious rights is conceded only to members of the recognized religion. In a country where it is necessary for persons to belong to the dominant church to go through a religious ceremony and where the church has a right to determine who belongs to it, a legal marriage becomes impossible for persons who have broken away from the dominant church, unless they are prepared to accept a ceremony that adheres to the belief of the dominant church which they themselves do not profess. "In some countries where only marriage according to ecclesiastical law is recognized, the right to perform marriage ceremonies is granted only to religious authorities of the recognized communities. Religious authorities apply the law of their religion. The consequence is that persons outside those recognized communities may be deprived of the possibility of contracting a valid marriage. In some instances, the religious law of a particular community may prohibit the marriage of a member of the community with a person outside this religion; if furthermore the religious law prohibits change of religion, marriage becomes impossible."¹ Complications also arise in connection with the dissolution of marriage in the various conflicts of civil and religious laws.

In countries where the burial grounds and their administration are "under the control of the dominant church, and minorities are prevented from burying their dead, either in these grounds or in other

Influence

in Religious Liberty

I have always believed that the First Amendment is the keystone of our Government; that the freedoms it guarantees provide the best insurance against destruction of all freedom.—Justice Hugo Black in *Dennis et al. v. United States*, 341 U.S. 494 (1951)

When Christianity asks the aid of government beyond mere impartial protection, it denies itself.—*Board of Education of Cincinnati v. Minor et al.*, 23 Ohio st. 211

I ever understand an impartial liberty of conscience to be the natural right of all men.—William Penn, 1687

In matters of Religion, no man's right is abridged by the institution of Civil Society.—James Madison

No state, however pious, has received any authority from God to superintend His churches; and the churches cannot therefore communicate that authority in any case without rendering to Caesar the things of God: "on which account the churches are bound to avoid the union with the state."—Bany on *The Union of Church and State*, by Baptist Wriethoesley Noel

Toleration, however, is not true liberty when it is only a gracious concession made by the state to the individual. Gracious concessions are incompatible with liberty of religion which is not something that a state, or an absolutist church, offers, but that which the citizen claims and the law protects. We have to distinguish, therefore, between "religious toleration" (something conceded) and "religious liberty" (something claimed), two notions which have characteristically been intermixed in the civil and religious contentions of Britain.—Cecil Northcott in *Religious Liberty*, p. 16

The right to profess a heresy of any character, on any theme, is an essential element of a liberal society. The liberal stands ready to defend the honest heretic

appropriate places, there is undoubtedly discrimination." Furthermore, "In certain countries the clergy of the dominant church have the right to decide which persons are to be buried in accordance with the rites of the church. When taking this decision, they sometimes disregard the express will of the deceased or of his next of kin." In cases of those who have left the dominant church and wish to be buried according to the rites of the church of their choice, or without any religious rites, difficulties arise. "Where nevertheless a clergyman insists on performing the rites of the dominant church, there is discrimination of a particularly severe type."

In the matter of religious processions, difficulties arise in many countries. Some countries prohibit them altogether for all religious groups and nonreligious groups. In other countries "a distinction is made between the 'traditional' and other religious processions." Traditional processions are permitted without permit. Others must secure permits and these may be refused or granted according to certain conditions prescribed by the authorities. Often these distinctions may involve a "differential treatment amongst various religious groups." It is quite conceivable, of course, that the "non-traditional processions often serve the purpose of propagating a new religious belief, which may in certain circumstances involve the risk of a disturbance of peace and order." In certain countries there are "limitations upon burial processions of dissident religious groups or of non-believers."

Public Manifestation of Religion

There are instances of systematic limitations of the freedom to manifest one's religion which are adhered to in certain countries which constitute a destruction of the freedom to manifest religion and are contrary to the terms of Article 30 of the Universal Declaration of Human Rights. For example, "The Constitution of one country contains an express prohibition of all public manifestations of all religions other than the State religion, and admits for dissident religions only the right to worship, or otherwise to manifest religion, 'in private.' This Constitution is supplemented by a series of legislative and administrative measures of a permanent and systematic character, making it difficult if not altogether impossible to open houses of worship. Even when permission is granted, it is under specified conditions as to their location (inner courtyards or blind alleys, or up a flight of stairs), absence of external religious signs or inscriptions, a ban on religious processions at least at certain hours and in certain locations, and a ban on the distribution of religious literature even to co-religionists." This particular country certainly does not commend itself to the human rights objectives of the United Nations nor to the freedom-loving peoples scattered in the various lands of earth.

The report of the Subcommission on Prevention of Discrimination and Protection of Minorities also refers to another country where there are no constitutional provisions similar to that indicated in the coun-

no matter what his views, against any attempt to curb him. It is enough that the heretic pays the price of unpopularity which he cannot avoid. In some respects each of us is a heretic, but a liberal society can impose no official orthodoxies of belief, disagreement with which entails loss of liberty or life.—Sydney Hook, *New York Times Magazine*, July 9, 1950

In a free society there is faith in the ability of the people to make sound, rational judgments. But such judgments are possible only where the people have access to all relevant facts and to all prevailing interpretations of the facts.—*To Secure These Rights*, Report of the President's Committee on Civil Rights, G.P.O. 1947

try above, "but the interpretation of the laws, and the entire administrative practice, leads to the non-recognition of a religious group and the prohibition of religious worship and other manifestations, even in private, such as the performance of marriages, and the burial of the dead in accordance with the prescription of the group's religion. Furthermore, public authorities do not always take the necessary measures to protect the members of the group against mob violence and propaganda of hatred."¹⁰

There is, of course, a vast range between the two extremes of the justifiable limitations and the non-justifiable. The extent of discrimination imposed is determined with a knowledge of the particular circumstances in each country. There are, however, universal principles of religious freedom which by their very nature are of an international application to all lands, all churches, and all forms of secular or ecclesiastical government. Only a totalitarian state and a tyrannical church will dare to repress these principles, to their ultimate destruction.

Dissemination of Religion

The problems involved in dissemination of religion are perhaps the most touchy of all the freedoms inherent in the manifestation of one's religious beliefs. This privilege of dissemination is a right of religious freedom inasmuch as it is a fundamental part of the beliefs of many religious groups. The factor, of course, that causes apprehension on the part of

It is not the business of government in our nation to suppress real or imagined attacks upon a particular religious doctrine, whether they appear in publications, speeches, or motion pictures.—Supreme Court Justice Tom Clark in *Burstyn v. Wilson*, 343 U.S. 495 (1952)

Having set our course for freedom, we must strike at everything inconsistent with it. That means the end of privilege, which may be defined as any right devoid of a correlative responsibility. Every right involves a duty; privilege enjoys the substance of a right but escapes the obligation that justifies it. Therefore privilege is antithetical to democracy, and if democracy survives, privilege ultimately proves self-defeating.—Henry M. Wriston in *Challenge to Freedom*, p. 172

I ever understood an impartial liberty of conscience to be the natural right of all men, and that he that had a religion without it, his religion was none of his own. For what is not the religion of a man's choice is the religion of him that imposes it; so that liberty of conscience is the first step to have a religion.—*Religious Liberty and Inquiry*, p. 297

various dominant religious groups when other dissident groups disseminate their faith is "that dissemination of a religion or belief usually occurs only at the expense of another religious group and the conversion of its members."¹¹

Sometimes this propagation of religion leads to clashes between divergent religious groups. Sometimes the new faith represents a fresh cultural pattern for a nation and clashes with traditional patterns. Sometimes the problem arises by the manner of dissemination resorted to by the religious bodies in question. "Sometimes it is alleged that the contents of a propagated message are offensive to other religions or beliefs. It is to protect against such propagation that laws against blasphemy have been enacted in some countries. However, the law against blasphemy may be framed or administered in such a manner that any pronouncement not in conformity with the teachings of the dominant religion may be considered to be blasphemous, and thus open to penalty. Sometimes censorship of books, pamphlets, newspapers—as well as control of such media of mass communication as films, radio, television and the like—may be used to limit or prohibit altogether dissemination of certain or even all beliefs other than those of the dominant religion or philosophy."¹²

As the report of the Subcommittee indicates, "restrictive measures" which are "taken with the sole, or main, intention of stifling the expression of dissident religious or philosophical opinions, or of a particular opinion," indicate the existence of "discrimination."¹³

It must further be observed that "the distinction between legitimate and undue restrictions is often a fine one, because 'morality' in some cases is nothing else but the teaching of the dominant religion or philosophy."¹⁴

Discriminatory limitations on the propagation of religion are also present when preferential treatment is given to antireligious groups and their right to conduct propaganda while the activities of religious groups are restricted in their worship.

In certain countries arguments have been initiated against various humanitarian aspects of missionary work such as the operation of hospitals, dispensaries, workshops, or even the distribution of food and clothing. "It has sometimes been argued that advantages procured through educational or humanitarian work constitute a material inducement to people to change their religion or beliefs."

Obviously the "fears of undue influence being exercised by missionaries are sometimes exaggerated."¹⁵ For example, the charges of unfair conversion that were brought against Christian missionaries by the so-called Niyogi Committee in India were not substantiated. That committee has been criticized for "overstepping the bounds of propriety and national interest in attempting to reverse the general trend in favor of a broad-based freedom."¹⁶ As Prime Minister Nehru pointed out, however, during a debate that took place in Parliament on the second of December, 1955, "To suggest that there should be a licensing system for propagating of faith is not proper. It would lead in its wake to the police having too large a power of interference."¹⁷

"In certain countries where missionary work is to be conducted among indigenous populations, the Government grants preferential treatment and sometimes even an outright monopoly to missionaries belonging to the religion of the State or to a religion recognized by the Constitution. It is stated, in support of such a policy, that it helps to develop national unity based on historic tradition. However, there is no doubt that such a policy represents a particularly clear example of differential treatment."¹⁸

Freedom of Assembly and of Association

Article 20 of the United Nations Declaration of Human Rights states, "Everyone has the right to freedom of peaceful assembly and association," and provision 2 of this Article states, "No one may be compelled to belong to an association." The Subcommittee's report states, "History and contemporary practice show a remarkable difference in the attitude of public authorities to freedom of assembly and association in the religious field and to the same freedom in other fields."¹⁹ In nonreligious fields the freedom to associate has usually been more liberally conceded than the freedom to assemble. In the reli-

No matter whose the lips that would speak, they must be free and ungagged. The community which dares not protect its humblest and most hated member in the free utterance of his opinion, no matter how false or hateful, is only a gang of slaves.—Wendell Phillips

gious field, on the contrary, "freedom to associate has been often denied or severely curtailed, whereas freedom to assemble has been recognized first at least for the dominant religion, and later for a number of recognized—or even all—religions."²⁰

The Commission of the Churches on International Affairs has indicated that religious freedom has five aspects: (1) freedom of worship; (2) freedom of observance; (3) freedom of teaching; (4) freedom of association; (5) freedom of practice.

"It appears that freedom to associate for religious purposes is to be found in its full and undiminished form only in countries which apply the principle of separation of State and religion. Here, at least theoretically, all religions and beliefs are treated on the same footing. This does not, however, necessarily mean the recognition by the State of freedom of association in the normal sense, nor freedom of internal administration. Nor does it mean that there is no discrimination, in fact, as between the various groups. Equality may well be more apparent than real because various religious groups do not require either the same degree of autonomy, or autonomy in the same fields."²¹ Even in such lands there may be limitations prescribed in the scope of permitted activities. If the right of association is granted a religious body merely for the holding of religious services, this may be acceptable to those types of religions which primarily stress formal worship. No evangelical creed, however, or religion which feels the divine obligation to propagate its faith and to engage in humanitarian activities, accepts such a definition of freedom of association. Such a concept would be, in the mind of those peoples, nothing short of discrimination and a denial of their religious freedom. The particular objectives of a religion have to be considered in any matters determining the question of discrimination.

In the matter of financial relationships between the state and the church, it is true that state authorities sometimes use their financial support "as a potent weapon of discrimination against various religious groups."²² In granting subsidies some governments favor one particular group and disregard the needs of others. State religions oftentimes have received government maintenance for their buildings and have had church buildings placed at their disposal. No similar provisions were made for dissenter groups. Religious groups loyal to the principles of religious liberty set forth in the doctrine of separation, of course, do not wish any such state support, and indeed, would not

accept it if it were offered. But the principle of inequality remains. Whenever a government levies special taxes for the support of an official church or religion and these taxes are required of nonmembers of that church, there is discrimination. If the tax is levied only on the members of the church, it is then a matter of state interference in that particular communion.

The state that puts the necessary buildings at the disposal of the followers of all the various religions theoretically treats all alike, but it does create the possibility of the state's providing for the needs of some and disregarding the needs of others. It should be further noted that "separation of State and religion is not understood in the same manner in different countries."¹ There are also divergent viewpoints of discrimination. In countries where the separation of the state from religion is an accepted principle, the state does not subsidize religious schools. This is perfectly in harmony with the principles of religious liberty inherent in the doctrine of separation and as taught by most evangelical denominations. However, there are those who consider this refusal of the state to financially assist parochial schools to be a matter of discrimination against them, inasmuch as they feel that the education of their children costs double since they must maintain religious schools and still pay taxes for the support of the public schools. Unquestionably, however, the principle of the separation of state from religion involves the principle of no government support for parochial schools, since those who are not members of the faith should not be taxed to support the faith, and the education of the children of a certain faith, which they do not adhere to.

(To be continued)

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- ⁴ *Ibid.*, p. 52, par. 137.
- ⁵ *Ibid.*, p. 53, par. 141.
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- ⁷ *Ibid.*, p. 53, par. 141.
- ⁸ *Ibid.*, p. 53, par. 142.
- ⁹ *Ibid.*, p. 54, par. 144.
- ¹⁰ *Ibid.*, p. 54, par. 145.
- ¹¹ *Ibid.*, p. 56, par. 151.
- ¹² *Ibid.*, p. 57, par. 158.
- ¹³ *Ibid.*, p. 58, par. 159.
- ¹⁴ *Ibid.*, p. 58, par. 159.
- ¹⁵ *Ibid.*, p. 59, pars. 163, 164.
- ¹⁶ *Ibid.*, p. 60, par. 164.
- ¹⁷ *Ibid.*, p. 60, par. 165.
- ¹⁸ *Ibid.*, p. 62, par. 171.
- ¹⁹ *Ibid.*, p. 63, par. 173.
- ²⁰ *Ibid.*, p. 63, par. 173.
- ²¹ *Ibid.*, p. 67, par. 182.
- ²² *Ibid.*, p. 69, par. 191.
- ²³ *Ibid.*, p. 70, par. 194.

Freedom Wins in Utah

From page 9

his five-page veto message to the senate the governor listed three general areas of objection to the bill:

1. *Moral issues*, such as religious groups who observe another day than Sunday as the Sabbath.
2. *Inequities* in the bill, which discriminate "sharply" between types of business.
3. *Practical effects* of the bill as applied to mines, manufacturing, and the food-processing industry.

Richard P. Hronek wrote in the *Salt Lake Tribune* of February 19: "Governor Clyde also opined that the Sabbath spirit cannot be preserved by closing certain

retail establishments on Sunday while allowing beer taverns to operate—as is the intent of the bill. The salutary moral effect of the bill intended by closing avenues of Sunday employment to young people, in a belief that they are kept by employment from attending church, also was questioned by the governor. . . . The governor said, . . . 'If a mine or factory is allowed to operate on Sunday as a matter of economic necessity, I find it inequitable to require the owner of a small independent grocery store . . . to close his place of business on Sunday . . .'

"When the veto message was read to the Senate, the house where the bill originated, it drew both praise and criticism. Senator Clyde L. Miller (Democrat, Salt Lake City), an opponent of the measure, was the first to get the floor. He commended the governor, said he had given good reasons for his action and should be unanimously supported in the action by the Senate." A number of senators expressed the view that the governor had given ample reasons to justify his veto.

The Senate's immediate attempt to override the governor's action failed to muster the needed two-thirds majority. The vote was 13-12 in favor of overriding the veto, four fewer than needed. Three additional senators who previously had voted for the measure supported the governor's veto. The bill was dead.

Richard Hronek continued: "News that Governor Clyde had vetoed the Sunday-closing bill brought joy and alarm in the Utah House of Representatives. . . . Three Democratic representatives praised the governor 'for a courageous and intelligent stand.' . . . Many other representatives said that they had changed their mind since voting for the bill and would, if given another chance, vote against it."

Time magazine 'summed up the whole issue under the title "One Mormon's Revolt":

The bill seemed as good as law when it went to the desk of Republican Governor George Dewey Clyde, 60, a good Mormon who had never been known to raise his voice loudly about anything. But this time George Clyde spoke up, sent the Sunday closing bill back to the legislature with a surprising, stinging veto message. Reasons for the veto: 1) the bill was "inequitable" to small merchants; 2) through it, big merchants were seeking "to regulate competition"; 3) Utah's rich seven-day-a-week copper mines, not specifically exempted from Sunday closing, might be "seriously affected"; 4) the bill would force such minority groups as Seventh-day Adventists (400 in Utah) "to work on their own Sabbath day" (Saturday) or else be limited to a five-day business week. Pleaded George Clyde to his fellow Mormons: "The true democratic process rests as much on the principle of respect for the fundamental rights of minorities as on that of majority rule."

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Washington Enacts Saturday Rest Law

Congress Acts to Protect Labor
Imposes Saturday Prohibitions

Some knowledgeable critics deplore
with good reason—what they
regard as a dangerous d

which stirred the Senate into an
emotional state that it ne

By O. B. GERHART

IS THE

Headline

Now, what do you think of that?"

"Nonsense," you say, "it is fantastic, impossible!"

"Granted. But just suppose tomorrow's newspapers did carry such headlines. What then?"

After the first shock had passed and we Americans would begin to realize what this new Saturday law would mean, some of our finest citizens would say, "Why, this means I will lose a day's pay every week, for I do not intend to work on Sundays. That is my day for worship. Sunday is the day I go to church."

Many, however, would soon discover that more than a day's salary was at stake, for employers might not want to employ a man who absents himself from work on a day the law leaves open as a working day. Such would either have to forfeit their jobs or smother conscience and start working on Sundays. In either case, a needless misfortune, a crime against the inalienable rights of the freedom of the soul.

And what about the ministers of the churches? Would they complacently accept a Saturday observance law as a law of the land which Christians are bound to obey? Rather, would they not unanimously protest that this law discriminates against them and caters to the minority groups who observe Saturday as the Sabbath? Would they not denounce this law as class legislation and a violation of the First Amendment? And who could refute them?

But suppose all three branches of our Government stood adamantly for this law and it survived the initial storm, what then? In time business would adjust itself to Saturday closing, and the average laboring man would find Saturday rest as acceptable as Sunday, for outside of the field of religion, one day is as good as another.

In the realm of conscience, however, it would not be so. There would long remain a religious minority who would continue to observe Sunday, no matter what the sacrifice. True, they might come to eventually consider further protest useless and to suffer this injustice in silence. But would that make the law right? Who with an enlightened conscience could defend such a piece of legislation?

Few have stopped to consider that most of our

States do have a law of this nature on their statute books. It is of course a *Sunday* law, not a *Saturday* law, but it affects thousands of loyal, law-abiding citizens precisely as a Saturday law would affect thousands of conscientious Sunday observers.

These laws were originally enacted to protect Sunday as the day for worship and clearly reveal this in their phrasing. They were never intended as "health" laws, or even as "protection" laws for the laboring man. After their enactment the mood of the country changed, and for many years they gathered dust, unenforced and almost forgotten. Now the mood is again changing. Not only have we become health conscious as a nation, not only are we concerned about the rights of the laboring man, but we have also become alarmed about the drift away from the churches, hence some are looking with satisfaction on the postwar swing back toward church religion.

Since our State Sunday laws were religious by intent, and therefore unconstitutional, they owe their continued existence mainly to their rare and spasmodic enforcement, which has excited little opposition. The few who saw them as potential instruments of religious persecution were either ignored or laughed down. Generally speaking, they still are. Nevertheless, these very laws are now being dusted off and polished up in many places as first-class protection laws for the working classes. By others they are considered good health measures. It should be noted, however, that none are more earnest in their urge for enforcement than churchmen who regard

them as did the coiners of these laws—legal measures of the state to protect “an establishment of religion.”

Saturday and Sunday Laws Taboo in a Free Society

If these laws are now to be enforced for whatever reason, suppose we consider what their effect would be were they Saturday laws. As health measures or protectors of the laboring class, Saturday laws would

Real?

be just as acceptable as Sunday laws. Why not? But how would they affect the consciences, the purses, and the persons of those who observe another day than Saturday as the day of worship? Could we enforce such a law without reintroducing persecution? No more can we enforce a Sunday law and escape it. Is our nation, which stands before the world as the protector of liberty and of the right to worship God according to the dictates of conscience, now to give the world a lesson in oppression of religious minorities? God forbid!

If we have come to a day when laws are needed to protect the laborers' duty to rest, if such legislation is necessary to help preserve the health of our citizens, then let a law be framed to require employers to grant their employees one day of rest in seven without specifying the day.

We have long suffered these Sunday laws, remnants of an intolerant age, to remain cold on our statute books. Whether enforced or not, they are dangerous as long as they remain there. There is much confused thinking on this matter. Too often the inclination is to shut one's eyes to the obvious and trick oneself into thinking otherwise, lest personal condemnation be incurred. If laymen may do this and suffer no apparent judgment, those entrusted with the law enforcement of a nation may not. The eyes of the world are upon this our country and our laws. May God have His way with those whose special duty it is to keep America “the land of the free and the home of the brave.”

FOURTH QUARTER

Why I Vetoed Utah's Sunday Closing Law

From page 7

law. I do not think it proper to enact laws to provide an economic advantage to a particular group or industry—most certainly not when such advantage might work to the disadvantage of a business competitor.

My third area of objection to Senate Bill 24 may be placed under the heading of “practical effects.”

I referred earlier to the status of mining and manufacturing operations under the provisions of Senate Bill 24, and pointed to certain inequities that would be apparent if these operations are held exempt from the Sunday closing requirements. The supporters of Senate Bill 24 assure me that these operations are exempted from the Sunday closing requirement.

However, I find that lawyers are very much divided in their opinion on this question. In the face of this disagreement among members of the legal profession, I, as a layman, shall make no attempt to resolve the legal question.

Serious Economic Consequences

But I am forced to examine closely the consequences that would follow a determination by the courts that these operations are required by the provisions of this proposed law to close down on Sundays.

If our mines were required to close down on Sundays, I am informed that their production schedules would be seriously affected. They would have to reduce the number of their employes by hundreds, even thousands, depending on the size of individual operations. Production would be reduced substantially, and with it the State's return from the mine occupation tax.

The whole economic pattern of the State would be seriously and adversely affected. Even the warmest proponents of Senate Bill 24 say they do not want this to happen, and that they have for this very reason exempted these operations from the Sunday closing requirements—and yet the legal counsel of our mining companies are of the opinion that the exemption provided by Senate Bill 24 is extremely doubtful.

Food Industry Jeopardized

By the time the question could be decided by the courts, extensive damage could have resulted to the Utah economy.

The food processing industry is placed in particular jeopardy by the Senate Bill 24. This industry is seasonal in its operation, and officials of the food canning industry tell me that their legal counsel feel that the industry is not exempt from the Sunday closing requirement under the language in Senate Bill 24

asked to purchase items that were not exempt under the provisions of Senate Bill 24.

Widespread Violation

I am sure there would be widespread violations of the law and that this would tend to breed general disrespect for the law throughout our communities.

I have discussed the question with a number of law enforcement officers. When I asked: "How would this law be enforced?" I invariably received the answer: "It wouldn't!" This may be deplorable, but it is a fact we must face.

We should have to depend for enforcement on the law enforcement agencies of our counties, cities and towns. When these local government units have refused to exercise their statutory power they now possess to order Sunday closing in their own jurisdictions, it would be unrealistic to expect them to vigorously enforce a State law to the same effect.

Police Every Store

Even if strenuous efforts toward enforcement were made, they could hardly be effective short of placing a policeman in each and every establishment that is allowed to remain open on Sundays. I am sure none of us want to return to the practice prevalent in the prohibition era of sending undercover agents to places of business in an effort to entrap merchants in violations of the law.

The question of the constitutionality of Senate Bill 24 has been raised by a number of lawyers, but I do not consider this a factor in my present decision.

As I have noted, legal minds are not in agreement on this point and many lawyers are confident that the bill would be held constitutional.

If the question of constitutionality were the only one at issue, I should be inclined to sign the bill and let the courts decide. However, the many other issues I have outlined, including the serious damage that might be done if the court decision were along certain lines, compel me to take another course of action.

For the reasons I have discussed, I feel compelled to veto Senate Bill 24.

Political and Religious Liberty

From page 13

exiles who fled from the England of Mary Tudor to Calvin's Geneva, where he wrote *How Superior Powers Ought to Be Obeyed*. The author preached resistance to the reign of Queen Mary. What is remarkable and unique is the author's idea of the role of the common people: "We most certainly conclude, that if the rulers and magistrates . . . would

that defines businesses "normally in continuous operation."

If a cannery were forced to shut down over Sunday at a critical time in the operational season, it would result in spoilage and loss of quality that could possibly wipe out the entire year's profits for the growers of canning produce, and result in substantial loss to the canner.

The problem now being faced by the canning industry is peculiar and immediate. The 1959 canning season is many months away, but we are now [February] at the time when contracts must be signed between food processors and growers. In the face of the doubt as to the status of the canning industry under the provisions of Senate Bill 24, and particularly in the face of the opinion of legal counsel for the industry, growers are showing an understandable reluctance to sign contracts to grow canning crops.

If Senate Bill 24 became law, and even if the courts later decided that the canning industry is exempt from the Sunday closing requirement, irreparable damage might have been done.

I feel it would be most unwise to jeopardize the future of an industry that is of large and growing importance to the Utah economy.

Effective Enforcement Impossible

One of the largest practical problems that would be posed by signing Senate Bill 24 into law would be that of enforcement. I am convinced that effective enforcement would be impossible, and that we should virtually force many honest citizens to become lawbreakers.

This may best be illustrated by a practical example. A drugstore is allowed to remain open on Sundays for the sale of medicines and other items essential to public health and welfare. Yet other items in the same store could not legally be sold.

A druggist would have a most difficult choice between breaking the law and alienating customers who

not execute the laws of God wherewith they are so straitly charged, that then the people are not then discharged, except that they put in execution to take the evil from amongst them." Goodman realized that his idea might not be acceptable because of his pointing to the role of the common people: "Although it appears at the first sight a great disorder, that the people should take unto them the punishment of transgression, yet, when the magistrates and other officers cease to do their duty, they are, as it were, without officers, yea, worse than if they had none at all, and then God giveth the sword into the people's hand."

In Conclusion

At first it seems that John Calvin's idea on church-state relationship is not easily elucidated. Some historians find that Calvin was the seed sower of modern democracy while others deny this. In all things Calvin saw God first—God's glory above everything else. The function of the state is "to cherish and support the external worship of God."² More than that, the state is to see to it that "no idolatry, no blasphemy against the name of God, no calumnies against his truth" be permitted. Thus the church is superior to the state. Since the will of God is revealed to the church, then it is the church that has the duty of oversight over the state.³

One significant aspect in Calvinism was its recommending of the right to resistance, and eventually a democratic element emerged from Calvinism, but not because the church has the right to oppose impious rulers or to correct the abuses of "the divine right of kings" (as understood by Jesuit statesmen such as Richelieu). Constitutional means ought to be used by giving the people a voice in the affairs of government. A further thought that grew out of Calvinism was the personal right of the individual; it was a theological concept—a man can approach God directly; it was in a sense the Protestant principle of the right to private interpretation.

The central idea of Calvinism is not based on the quality of tolerance as defined in the eighteenth century or as expressed in the Declaration of the Rights of Man, growing out of the French Revolution. There remained an aristocratic element in Calvinism that endorsed a conservative view of government. The ideal government was one that would safeguard the interests of the church and above all promote the glory of God. Historian Troeltsch expressed it: "All the Calvinistic peoples are characterized by individualism and by democracy, combined with a strong bias towards authority and a sense of the unchangeable nature of law. It is this combination which makes a conservative democracy possible, whereas in Lutheran and Catholic countries, as a matter of course, democracy is forced into an aggressive and revolutionary attitude."⁴

Thus Calvinism by and large was on the side of state authority, but it also conceded the right of criticism; a conservative force in theology and state theory, with a yet undeveloped concept of independent thinking, even recommending the right to resist.

Knox expressed Calvin's conception in this way: "God forbid that I should grasp at the exercise of power or set subjects free to do exactly as they like. My one aim is that Prince and People alike should obey God."⁵

Calvin made a definite contribution to social and religious liberty, as is attested by many students of political science. Significant is the statement by John Adams when he discussed religious freedom: "Let not Geneva be forgotten or despised. Religious liberty owes it much respect, Servetus notwithstanding."⁶

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The Religion then of every man must be left to the conviction and conscience of every man; and it is the right of every man to exercise it as these may dictate. This right is in its nature an unalienable right. . . . We maintain therefore that in matters of Religion, no man's right is abridged by the institution of Civil Society, and that Religion is wholly exempt from its cognizance.

—James Madison



as the editors see it

America's Unique Contribution

SEPARATION OF CHURCH AND STATE undoubtedly has been the most distinctive contribution that the United States of America has made to the science of government. This principle guarantees that the free churches existing in this free state enjoy equal rights. No religion seeks special protection or privilege from the state. Each has the same opportunities of development under the protection of the same laws. So long as the churches equally respect this principle, they are guaranteed equal liberty under law.

The principle of friendly separation of church and state ensures that religions will not be disturbed or hindered in the free exercise of their spiritual objectives. In return the churches will never demand special privileges or seek to restrict the privileges of other communions.

Baron Ricasoli, in his famous letter to the Italian bishops in 1866, voiced one of the fundamental principles of the American philosophy of church and state: "The principle of every free state, that the law is equal for all, admits of no distinctions of any kind."

One of the greatest questions confronting the people of the United States today is whether the clergy of the various churches in this country will continue to practice the principle of equal liberty for all faiths that was adopted by our forefathers. It would be the greatest travesty on the Christian principle that "where the Spirit of the Lord is, there is liberty" (2 Corinthians 3:17) should the clergy become responsible for obstructing or surrendering this basic principle of equal religious freedom for all faiths.

As companions of freedom, churches in America have enjoyed growth and prosperity. This is because they have not sought to deny to others the liberties they have enjoyed. The tragedy is that this mid-twentieth century witnesses many ominous antifreedom trends in the religious world. These trends are evident not only in the Roman Catholic philosophy of the church-state, with its priority for Catholicism, but also in the developing hierarchical concentration of power in the ecumenical movement, with its increased tendency to look toward state support in religious legislation.

Every church should recognize that the moment it seeks to turn to its exclusive advantage the laws that have granted it liberty, that moment it enters upon

the road which will ultimately lead to subjection and tyranny. The violence of the barbarous ages of the past awaits exactly such a situation to spring again into life. It took the world a long time to emerge from the chaos of the Middle Ages. What a tragedy it would be if the religious leaders of our time should again turn backward to the age of ecclesiastical and civil dictatorships and the denial of the absolute freedom of the individual conscience!

The modern world needs to recognize before it is too late the terrible relapse into tyranny that follows in the wake of religious legislation. We have only to recall the torrents of blood spilled by the religious-political powers of the past to realize the "indispensability of religious diversity in a democratic society."

In the field of religious convictions the mind cannot assent to that to which it does not assent, nor can the heart respond to that to which it does not respond.

Toleration Versus Liberty

IN MANY LANDS the state grants churches within its territories toleration rather than absolute freedom. The government supports one or more religions and permits others to exist more or less undisturbed. Toleration permits and allows dissenters their way of worship, usually with certain reservations. Liberty denies every vestige of compulsion in the profession of religion.

Roman Catholicism places value upon religious liberty when it finds itself in a minority position, but its doctrines lead it to grant merely a measure of toleration whenever it has established its majority control in a state. The historic struggle against suppression and persecution, which has been practiced by both Catholics and Protestants, has clearly indicated the uncertainties of the principle of toleration. Toleration determines when, where, how, and to what extent dissent is allowed. Liberty, on the other hand, does not grant to government authorities any such restricted measures. It sets the bounds beyond which no government can properly go. These bounds grant to a church a voluntary association of convinced believers.

Under the principles of religious liberty governments do not establish religions. They do not enforce the legal observance of faith by law. They do not compel men to worship God in any legislated manner, even if that manner should be in harmony with the convictions of their people. They certainly do not

compel contrary to conscience. Religious liberty grants immunity from civil jurisdiction so long as that immunity does not trespass the equal rights of others. Thus religious liberty puts all sects on an equal footing under law. On this basis both religion and government flourish. While benevolent toleration is to be preferred to malevolent coercion, we must not make the mistake of confusing toleration with liberty. The church that succumbs to legislative restrictions abridging its faith, and conforms in compromise, ceases to be a free church.

Unfortunately, religious liberty is all too frequently violated whenever it opposes the popular current. Under certain ecumenical movements of the past, liberty was narrowed to toleration as the majority rule was enforced and given legal precedence. The great issue of today is whether the principle of religious liberty shall be given international consideration and be interpreted broadly enough to permit the full protection of any man anywhere in the rights of his conscience and in the practice of his personal faith in God.



ARGENTINA

Foreign Minister Carlos A. Florit, who also heads the Ministry of Cults, has named a five-man advisory committee to help "perfect church-state relations" in Argentina. Recently he said that "constitutional precepts demand bringing to perfection relations between church and state and thus obtaining appreciable benefits for the nation, both in a spiritual sense for the people and toward better harmony between both powers."

CANADA

Representatives of more than forty organizations, including major Protestant denominations in Canada, presented a brief to Prime Minister John Diefenbaker urging a constitutional amendment to guarantee freedom of religion. The brief suggested that this clause be included in the bill of rights: "Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to maintain or to change his religion or belief, and freedom alone or in community with others, and in public or private, to manifest his religion or belief in worship, teaching, practice and observance, all without coercion in any way." The prime minister, however, said that certain rights of provinces preclude a constitutional amendment on freedom of religion at this time. He indicated that a statute could be enacted to the same effect.

The Supreme Court of Canada rejected a claim by the Lord's Day Alliance of Canada, that British Columbia legislation permitting Sunday commercialized sport was unconstitutional. The alliance charged the West Coast province's laws invaded the Federal Government's responsibility for criminal law.

W. R. Jackett, deputy minister of justice, appearing for the Federal Government, said the British Columbia Legislature had the authority to pass measures permitting persons on the Lord's Day to engage in any public game or contest for gain, or for any prize or reward. The alliance was appealing against British Columbia legislation passed last year allowing the city of Vancouver to permit commercial Sunday sport between 1:30 and 6:30 P.M.

CUBA

The change in the Cuban Government has created a climate favorable to strengthened Protestant work, according to Wilbur Larson, secretary, division of Latin America, American Baptist Home Mission Societies. The new government under Fidel Castro plans extensive improvements in school and medical facilities in rural mountain areas, where Cuban Baptists have worked for many years. A successful rural-improvement campaign was canceled two years ago by the Cuban Baptist Convention because of the political situation. Now the Convention hopes to

renew it. Under this plan volunteers will resume visits to a selected rural community for one week, teaching and counseling in their specialties. Medical personnel, lawyers, home economics experts, literacy teachers, pastors, and seminary students are on the improvement teams. The Cuban Baptist Convention now hopes to acquire several jeeps fitted with loud-speakers, film projectors, medical equipment, power plants, books, and other such equipment. Two jeeps have already been given for this work.

GERMANY

In Essen, Germany, restriction of Sunday work to an "absolute minimum" was demanded in a resolution adopted at a conference of the Catholic Workers' Movement in West Germany. The resolution stressed that questions of productivity or financial considerations must not be placed above holiness of the Sabbath.

Some 350 delegates, representing about 145,000 Catholic workers, also adopted a series of other resolutions dealing with the family, trade unions, education, housing, social insurance, and international cooperation between Catholic labor groups.

Earlier the conference elected Johannes Even, former secretary of the movement, as president to succeed the late Joseph Gockeln of Düsseldorf. Herr Gockeln, former Christian Democrat president of the North Rhine Westphalian Legislature, was killed last year in an automobile accident.

High-ranking religious and civic leaders attending the conference included Bishop Franz Hengsbach of Essen, host to the meeting, and West German Housing Minister Paul Luecke.

*

In Eberhardzell, Germany, a plea for cooperation between Protestant and Roman Catholic farmers to protect Sunday as a day of rest was sounded at a conference for the Catholic Farmers' Movement of southern Germany. Conferees said work on Sundays could only be approved under "quite special circumstances and in emergency situations, but never for reasons of making greater profit."

They also urged formation of an "elite" group of farmers in every village who would not labor on Sunday under any circumstances and would thus set an example for others. Modern technology, the conference stressed, made it "absolutely possible to bring in the harvest without having to resort to work on Sundays." The conference received a message of greetings and best wishes from Archbishop Aloysius J. Muench, of Fargo, North Dakota, papal nuncio to Germany.

*

In Berlin three Jehovah's Witnesses were sentenced by a Soviet Zone court at Cottbus to jail total-

ing twelve years for allegedly holding illegal gatherings and engaging in antistate activities. The men were identified as Paul-Herman Hanspach, of Elsterwerber, 37; Walter Gotthardt, of Wahrenbrueck, 53; and Siegfried Rothmann, of Talberg, 28.

GREAT BRITAIN

A "Safeguard the Sabbath" campaign by Protestant churches here is largely credited for the decision of the Irish Football Association that Northern Ireland will not play in Sunday finals of the World Cup football series.

Yielding to opposition by three well-known clubs in the association, the Linfield Club announced it would withdraw its motion that the Northern Ireland team be permitted to play in a Sunday final if called on. The other clubs were Distillery, Glentoran, and Crusaders.

Withdrawal of the motion, which was to have been presented at the football association's annual meeting, means that the national team will be prevented from entering the World Cup in 1962. W. M. Wilton, a member of the IFA Council and prominent Presbyterian layman who led the Sabbath campaign, said that if the Linfield Club had persisted with its motion, "it would have caused a serious split in football."

ITALY

According to the EPS the Council of State, Italy's highest authority, has ruled that a Protestant congregation in the village of San Angelo has a "fully recognized" right to build a church. The council said that attempts by village officials to stop construction of a Baptist church were "illegitimate."

The village officials had said that the Reverend Graziano Cannito, pastor of the 278-member church, did not show them his credentials as an evangelical minister, as required by law. After the building was started last year, the mayor of nearby Veroli, who administers San Angelo, ordered the pastor to tear down what had been built and threatened to send a policeman if his orders were not carried out. Mr. Cannito appealed against the action, saying that the order to raze the structure was based on religious discrimination.

*

Protestant preachers on evangelistic tours in Italy have met opposition by local police and civil authorities in four towns, according to reports received here by the Federal Council of Italian Evangelical Churches. It said evangelists have been prevented from speaking in Puglie, Cisternino, San Giovanni, and Campobasso.

In Campobasso, the council said, a meeting in a motion picture theater was canceled by the police at the last moment in spite of previous authorization. Officials said they canceled the meeting because the theater was needed for other purposes.

*

An evangelical resident of the small town of Fondi, Italy, has been refused permission by the mayor to have a New Testament verse inscribed on his wife's tomb. Gaetano Sperduto had written the mayor for approval of the text, taken from the Epistle to the Hebrews: "We which have believed do enter into rest" (chapter 4:3). Protesting the refusal, Mr. Sperduto denounced the official's action as violating Italy's Constitution, which guarantees religious freedom.

IRAQ

The Arab News Agency reports from Baghdad that the Prime Minister of Iraq, Major General Abdul Karim Kassem, attended the opening ceremony of an Assyrian (Nestorian) church. Kassem spoke of his determination to attend the ceremony as a symbol of the religious freedom obtained in the Iraqi Republic. He said that "the practice of religious freedom was in accordance with the interim constitution, which would also be safeguarded by the permanent constitution." He then ordered that the road to the church should be asphalted. The Assyrian Church is one of the larger of the Christian groups, but the Christians in Iraq number less than 15 per cent of the total population.

NIGERIA

Report comes from Kaduna that predominantly Moslem Northern Nigeria, which recently attained full self-government, will continue its stated policy of tolerance to minority faiths. Premier Alhaji Sir Ahmadu Bello, the Sardauna of Sokoto, said here, "We will not interfere with the work of the Christian church but neither will we encourage our people to make any change. We will leave it up to the choice of everybody."

Some Northern Nigerian Christians had voiced concern over possible oppression following regional self-government this year and complete federal independence scheduled in 1960 for Nigeria, the largest remaining British colony today. However, a prominent Christian chief said that "as far as the present is concerned, self-government brings great opportunity for the gospel. I believe missionary work will expand."

FOURTH QUARTER



Largest of Nigeria's three regions, which reflect tribal grouping, the north has more than half the country's total 32 million population. The eastern and western regions gained self-governing status earlier.

POLAND

Religious News Service in Warsaw reports that new instructions made public by the Ministry of Finance subject all church income used for social and construction purposes to a graded income tax up to 60 per cent. Roman Catholic sources said the instructions—actually a new interpretation of the tax law—are an apparent attempt to curtail the activities of the church in this preponderantly Catholic country. They said they put a heavy tax burden on the church and that it may result in eliminating many of its social activities and virtually putting an end to its building program.

PORTUGAL

A demand that the proposed new Portuguese Constitution being debated by the National Assembly invoke the name of God was made by Father Agostinho Goncalves Gomez, a Roman Catholic priest who is a deputy from Funchal in Madeira Island. He said that "the Portuguese nation, faithful to the faith of its birth, certainly wishes to invoke the name of God in its constitution."

"Statesmen," he added, "seem afraid of God, jealous of His praise. Even in Portuguese Africa not only Catholics and Protestants but hundreds of thousands of Hindustanis believe in the one supreme God."

The National Assembly, by a 43 to 37 vote, rejected the motion that had been under discussion for weeks.

Dr. Mario de Figueiredo, Speaker of the Assembly, previously had told the deputies that "we cannot, in a document addressed to all Portuguese, insist that

those who do not follow a specific God invoke His name." He was referring to the fact that while all the inhabitants of Portuguese territory in Europe, Africa, and Asia have Portuguese citizenship, many profess non-Christian beliefs. The speaker submitted another motion, which the assembly approved, stating that the nation profoundly respects "all that God represents as the Fountain and Origin of morality and justice in human relations."

SPAIN

Two Protestant churches in Barcelona, Spain, that were closed by police action have been permitted to reopen, according to the National Association of Evangelicals. The churches are the Grace Evangelical Baptist church and the Via Verdi (Green Street) Baptist church, according to word received here by Dr. Clyde W. Taylor, secretary for public affairs of the NAE. The churches were closed more than a year ago, shortly after they started holding worship services in new sanctuaries.

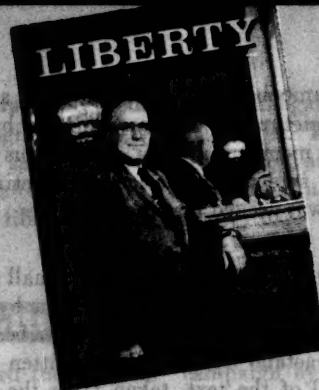
The Reverend Jose M. Martinez of Grace church, which has a membership of 720 persons and whose sanctuary seating 350 persons was closed two months after its dedication, said that Barcelona police have ruled that the two churches may open because they are "old congregations moved to a new location." However, two other churches that have been closed two months after dedication said that Barcelona police have ruled that they represent "new work resulting from proselytism."

*

A Spanish Baptist pastor was tried in the central court of Madrid on charges of re-entering and conducting services in his church after it had been closed by the police on order of the Ministry of Interior. The defendant was Pastor Jose Nunez of the Second Baptist church in Madrid, owned by the Foreign Mission Board of the Southern Baptist Convention in the United States.

One of the witnesses, understood to be a member of the police, testified that in 1954 the authorities had ordered the church closed and had affixed government seals forbidding occupancy. However, he stated, the defendant re-entered the church in 1957 and held services there.

The defendant's contention was that he found the seals had disintegrated "due to the action of the elements," and he re-entered the building in accordance with what he considered his religious obligations. According to Dr. Arnold T. Ohrn, executive secretary of the Baptist World Alliance, the original police action against the Madrid church was taken on the grounds that it had been involved in illegal proselytism.



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VOICES FROM THE PAST



HARRIS & EWING

By the late Wendell L. Willkie

Minorities Are Rich Assets

"It has always impressed me that, quite apart from any reasons of humanitarianism or justice or any sentiment regarding the protection of the weak by the strong, it is only common sense to safeguard jealously the rights of minorities. For minorities are rich assets of a democracy, assets which no totalitarian government can afford. Dictatorship must, of necessity, fear and suppress them. But within the tolerance of a democracy, minorities are the

constant spring of new ideas, stimulating new thought and action, the constant source of new vigor. To suppress minority thinking and minority expression would tend to freeze society and prevent progress. For the majority itself is stimulated by the existence of minority groups. The human mind requires contrary expressions against which to test itself."

—*The Saturday Evening Post*, June 27, 1942.

Eleanor Roosevelt says:

"I am inclined to think that
there should be no laws
about this."



HARRIS & EYING

"My correspondent feels that it is an interference with religious freedom to force those who do not work on Saturday to give up work on Sunday also. I am inclined to think that there should be no laws about this. Both days are gradually becoming more or less days of rest, but it seems to me desirable to have the possibility of some differences. Certainly it does seem undesirable to pass laws to force people to do anything which they might consider interference with religious freedom or, in this case, to prevent them from doing something which they think is part of their free right."

—Courtesy Washington *Daily News* and *United Feature Syndicate*.

PERIODICAL DIVISION
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